THE TENUOUS ROOTS OF PEACE: ANALYZING SUDAN'S ATTEMPTS AT CONFLICT RESOLUTION

Justin Doherty Leach

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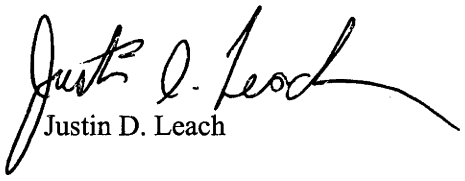
This thesis is an original work completed by Justin Doherty Leach. All research has been conducted exclusively by him, and all sources have been cited.



Justin D. Leach

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ABSTRACT

This thesis is an examination of Sudanese conflict, specifically that between the central government and the southern region, using a comparative analysis of the peace agreements of 1972 and 2005. This area of conflict resolution has not been fully explored, in part because of the complexity of the region's wars and in part because of the recent conclusion of the latter agreement, which initiated an interim period that is still ongoing as of the publication of this thesis. A successful comparative analysis of these agreements will provide a meaningful addition to the body of conflict resolution literature generally and that of post-colonial African conflict in particular.

While this work concentrates on the two civil wars in which the south hosted the primary insurgency, it will seek to place the wars, and the agreements which ended them, within the greater context of Sudanese political history. This is in order to determine what features of the Sudanese state have contributed to both the conflicts and their resolution. However, detailed discussion of Sudan's other internal conflicts – the uprising in Darfur in the early 2000s, for example – is not immediately relevant to the topic and will not be included in the thesis.

Throughout the body of the thesis, different lenses are used to analyze Sudan's history of conflict. Issues of identity, which lay at the foundation of war in Sudan are examined at length. The neo-patrimonial nature of the state and its contribution to both conflict and conflict resolution, are also reviewed. The impact which the intertwining realms of security, development and the use of natural resources have is examined, as is the effect of regional and international actors on Sudan's conflict and peacemaking efforts.

The work concludes that the 1972 agreement was indicative of the nationalist temperament of the government at that time, and of the insurgent movement's lack of shared, long-term objectives. The 2005 agreement was successful because of the government's lack of nationalist objectives, and because the insurgent movement at that time agreed to discontinue its own nationalist vision for the whole of Sudan. Consequently this thesis argues that, based on an examination of these two agreements, Sudanese nationalism is no longer a potent political force.

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INTRODUCTION

PROBLEM STATEMENT

In the course of post-colonial Sudanese history, tensions between the northern and southern portions of the state have led to two protracted civil wars, the first lasting from 1955 to 1972 and the second from 1983 to 2005. The successfully concluded peace agreements to these wars, the Addis Ababa Agreement (AAA) of 1972 and the Comprehensive Peace Agreement (CPA) of 2005, are the landmark moments in Sudanese conflict resolution. A comparative examination of these treaties – both the measures they stipulate and the environment in which they were negotiated – will provide important insights into Sudan's progress as a state. Despite a significant amount of material chronicling the causes of these wars and their resolution, there remains a scarcity of *comparative* analysis regarding the resolutions of these conflicts: specifically, of what the two warring sides demanded from the other, how these demands evolved over the course of several decades, and how the political environment in Sudan and regionally had changed in the interim to create differences between the two agreements. As Sudan's history of independence since 1956 has seen only eleven years of peace, to understand the motives for these wars and their endings is, in a large part, to understand the political history of post-colonial Sudan. In addition, the fact that both conflicts erupted along the same north/south fault line within the state, yet revolved around different insurgent objectives, also begs further analysis of the evolution of Sudanese identity as reflected in the peace agreements: specifically, how the conception of national and regional identity changed between the 1970s and the 2000s. Therefore, this thesis is not a pure analysis of the mechanics of conflict resolution. Instead, it is an analysis of a particular state, almost perpetually engaged in domestic conflict, through the prisms of its two most significant peace agreements.

The study seeks to bring a fresh approach to understanding insurgent motivations in the two conflicts. The first insurgency had a separatist objective, while the second sought a broader national revolution involving marginalized peoples from areas

outside the south. This evolution of southern objectives has rarely been specifically examined, much less in terms of resolution of the conflicts. The contradiction that the first insurgency would settle for regional autonomy in the AAA and the second for the option of southern secession in the CPA – both arrangements antithetical to each movement's respective cause – has also rarely been explored. The insurgent retreat to these positions, when viewed conjunctively with the trends of northern nationalism, seems to support a hypothesis that nationalism generally in Sudan is on the wane, and has been steadily throughout the course of Sudan's post-colonial history.

AIM

The goal of this study is to trace the evolution of southern and northern objectives in Sudan's conflicts, within the context of their two successful attempts at conflict resolution. Ultimately the aim is to determine what the two sides wanted, and the process of fighting and negotiations by which they were able to reconcile these goals. El Obeid, in his study of the Addis Ababa Agreement, highlights the tension between an historical analysis and a legal analysis of the agreement, explaining that 'a strictly legal analysis tends to be misleading, since it does not tell us much about how the Southern Problem developed. On the other hand, the historical background would not show how the Agreement was legally formulated.'[1] Emulating his 'middle way' compromise, the bulk of analytical work in this thesis will consist of explaining the historical foundation for the legal concepts that would eventually become codified in each of the two agreements.

Consequently, while the various conferences and initiatives throughout the history of both wars will be explored, the study will examine them in the context of the two lasting peace agreements. The scope of the work will be limited generally by confining historical analysis to within the conceptual perimeters of the events which led up to these agreements. There will accordingly be little discussion of events occurring during the CPA interim period following 2005. This degree of scope also

[1] Abu Baker El Obeid. *Political Consequences of the Addis Ababa Agreement.* Stockholm: Liber Tryck, 1980, 15.

limits analysis to the dominant north/south division of Sudanese wars and excludes the recent conflict in Darfur, as well as other northern Sudanese conflicts and related peace agreements. In addition, periods of Sudanese history not directly related to either conflict, the colonial era and the immediate post-AAA period in the 1970s, for example, will be examined primarily in terms of their relevance to the agreements or – more commonly – to substantiate broader themes in Sudanese history which are also addressed in the agreements.

While this approach requires some amount of comparative analysis, the thesis cannot be limited to a strict comparison between the agreements. Both treaties occurred at different periods within the same state's history, and therefore must be viewed as part of an historical process to avoid distortion of their significance. The CPA was, in many instances, a response to the perceived failures of the AAA, especially in the realms of security and wealth sharing. As a result, some of the concepts covered in the study can only be viewed as evolutionary processes. The significance of many issues addressed in the text of the agreements simply cannot be analyzed satisfactorily without a full understanding of the history of the debate and conflict they have inspired: southern demands for self-determination, or the status of the northern nationalist movement, for example.

In addition, an understanding of events leading up to these agreements can clarify how both sides visualized such concepts as federalism or the role of Islam in politics, both examples of concepts whose meaning changed drastically during the period between agreements. This is especially relevant in the early analytical chapters, which focus less on the technical detail of conflict resolution and more on dissection of the historical trends which have dominated Sudanese conflict, and which would therefore have to be confronted in the agreements.

RESEARCH AND THEORETICAL APPROACHES

Researching the topic revealed an absence of directly comparative studies of the AAA and the CPA, hardly leaving any real body of comparative literature upon which to expand. This dearth can be explained in part by the relatively recent

conclusion of the latter agreement and the fact that, as of the publication of this thesis, the six-year interim period initiated by the CPA has not come to an end, making it impossible to accurately evaluate the ultimate success of the agreement. Even a search for studies which seek to contrast the *process* of negotiations which produced the two agreements – as well as the environment in which they were concluded – reveal a paucity of material. This may be due to the fact that the initial insurgency of the second war, as well as the CPA concluding that war, were correctly viewed as responses to the failure of the AAA. The assumption, however, that this should detract from the relevance of any direct comparison between the treaties is erroneous. The AAA was concluded in a specific environment and addressed specific desires held by both the government and insurgents at that time. Many of its provisions were later altered in the CPA process because they were ignored in the years following the AAA, but also because of the changing nature of relations between insurgents and the state.

As a result, the tendency of literature to consider the earlier agreement as little else but a stepping stone towards the second Sudanese Civil War and its subsequent conclusion under the CPA may clarify areas of history as they relate to the current agreement, but does little to examine the evolving roles of the two dominant warring parties – the government and southern insurgents – over the course of Sudanese post-colonial history. A more comparative examination of the process by which these two treaties were concluded would fill gaps in the knowledge of Sudanese political history and the dynamics of African nationalist movements. This thesis would stake out a relatively unexplored area between isolated studies of the resolution of these two conflicts and a broader examination of Sudanese political history in which these conflicts, and the treaties which concluded them, play such a significant role.

Because of the varied lenses through which these conflicts and agreements will be analyzed, the discussion of relevant literature is included primarily in the analytical chapters. The range of literature on nationalism, neo-patrimonialism, resources and their role in conflict, the merits of mediation efforts made by state actors versus attempts made by non-state actors and other pertinent topics is simply too broad to

consolidate into an unwieldy single chapter. As a result of these constraints, and because the comparative core argument of this thesis is the first published at any significant length, a classic review of literature is inappropriate. Instead, a review of the theoretical approaches of key authors discussed within the body of the text is warranted. The merits of theoretical approaches in the context of Sudanese conflict are included where suitable.

In the second chapter, an examination of the roots of Sudan's nationalist movements, Jeffrey Herbst's work concerning nationalism and the weak power of the state in African nations is cited in particular. Herbst discusses the nature of insurgencies which face weak states and explains that African nationalism has sought to mimic the state-building experience of Europe, but failed because states were given more sovereignty over their borders than they could enforce, a phenomenon which rarely occurred in Europe. Herbst explains that the religious and ethnic differences between Sudanese have just exaggerated tensions between the areas of strong and weak state control, tensions that exist throughout African countries. He writes of the irony that post-colonial states were unwilling to look to pre-colonial African societies at foundational levels as the determined how to organize their state.[2] Herbst and William Reno both note that the tendency of international organizations to bestow legitimacy upon unwieldy states such as Sudan has complicated efforts to solve the problem and legitimized weak states, a tradition which has been questioned more recently.[3]

In the discussion of Sudanese neo-patrimonialism in the third chapter Stefan Lindemann describes how the patronage arm of the state could become stronger under the Bashir regime in the 1990s, especially through its privatization of public services.[4] In addition they examine the difficulties of sustaining a separatist

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[2] Jeffrey Herbst. *States and Power in Africa: Comparative Lessons in Authority and Control.* Princeton, New Jersey: Princeton University Press, 2000, 97, 100.
[3] Herbst, *States and Power in Africa*, 100-101. William Reno. "Sovereign Predators and Non-State Armed Group Protectors?" *Curbing Human Rights Violations of Armed Groups.* UBC Center of International Relations. 13-15 November 2003, 9-10.
[4] Stefan Lindemann. "Do Inclusive Elite Bargains Matter? A Research Framework for Understanding the Causes of Civil War in Sub-Saharan Africa." *Development Studies Institute.* London School of Economics and Political Science. Discussion Paper 15 (February 2008), 14-15, 19.

movement in Africa.[5] Michael Bratton and Nicolas van de Walle also discuss the tools and forms of neo-patrimonial regimes, providing a theoretical foundation upon which Sudan's patronage politics can be analyzed.[6]

Chapter Four examines the specifics of how conflict relates to resources and then attempts to evaluate Paul Collier and Anke Hoeffler's theories of economic determinism as they relate specifically to Sudan. Their model makes a case that economic opportunism is the incentive for most separatist rebellion, a case that the Sudanese experience seems to complicate.[7] This chapter also examines what differentiates the neo-patrimonialism of Sudan from that of a typical rentier state, as defined by Giacomo Luciani.[8] Ulf Engel and Gero Erdmann's work is useful in this capacity, and material laid out earlier in the chapter illustrates how this distinction is crucial to understanding fundamental dynamics in Sudan's patterns of conflict and conflict resolution.[9]

Chapter Five looks at the theory behind international efforts to mediate conflict as applied to the Sudanese experience. In a prescient 1997 article about conflict resolution, Stephen John Stedman writes of methods to thwart spoilers in a peace process. These involve tactics such as including their patrons in negotiations at some point or attempting to 'internationalize' the process, starting with the involvement of other countries in the region.[10] Louis Kriesberg writes of the difficulty of

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[5] Morten Bøas and Kevin C. Dunn. "African Guerrilla Politics: Raging Against the Machine?" *African Guerrillas: Raging Against the Machine.* Eds. Bøas, Morten and Kevin C. Dunn. Boulder, Colorado: Lynne Rienner, 2007, 9.

[6] Michael Bratton and Nicolas van de Walle. *Democratic Experiments in Africa.* Cambridge: Cambridge University Press, 1997, 65.

[7] Paul Collier and Anke Hoeffler. "The Political Economy of Secession." *World Bank – Development Research Group.* 23 December 2002, 2-3. Paul Collier. "Economic Causes of Civil Conflict and Their Implications for Policy." *Turbulent Peace: The Challenges of Managing International Conflict.* Eds. Crocker, Chester A., Fen Osler Hampson and Pamela Aall. Washington DC: United States Institute of Peace Press, 2003, 160.

[8] Giacomo Luciani and Hazem Beblawi. "The Rentier State". *Nation, State and Integration in the Arab World, Volume 2.* Eds. Luciani, Giacomo and Hazem Beblawi. London: Croom Helm, 1987, 70. Giacomo Luciani. "Allocation vs Production States: A Theoretical Framework." *The Arab State.* Ed. Luciani, Giacomo. London, Routledge, 1990, 72.

[9] Gero Erdmann and Ulf Engel. "Neopatrimonialism Revisited – Beyond a Catch-All Concept." *German Institute of Global and Area Studies.* Working Paper 16, February 2006, 106. 'After independence, with the Africanisation of the bureaucracy and the establishment of authoritarian rule, the bureaucracy was extended and at the same time challenged and invaded from above and below by informal relationships. Thus, the state in Africa has always been a hybrid one, a mixture of patrimonial and legal-rational domination.'

[10] Stephen John Stedman. "Spoiler Problems in Peace Processes." *International Security* 22:2 (Autumn 1997), 16, 51.

coordinating mediation efforts.[11] Peter Dixon and Mark Simmons describe the ambiguity between state and non-state mediators, and how this can actually be of use in complicated negotiations.[12] Barbara F. Walter also writes of the ambiguity of 'impartial' mediation, and of the ambiguity of the need for mediation at all.[13] Other analysis of conflict resolution with regard to Sudan is scrutinized, such as Laurie Nathan's assertion that mediation should not involve elements of coercion, citing the specific instance of the IGAD negotiations.[14] John Young is also critical of the CPA, but because he believes it lowered its objective with the 2002 Machakos Protocol after earlier agreeing to a broader-based peace settlement in the 1994 Declaration of Principles.[15]

In addition to the review of a significant amount of secondary material for this project, gathered from libraries in Australia, the United Kingdom and the United States, as well as from sources available online, interviews have been conducted with a diverse array of academics, technical specialists, and Sudanese journalists and political commentators. Douglas Johnson and Peter Woodward, two of the most preeminent and widely published scholars on Sudanese history, have been consulted. Also contributing to this work are R.S. O'Fahey and A.S. Al-Shahi, two authorities on northern Sudanese political history and society. Badie Badawi Muhammed, a scholar of Sudanese anthropology and folklore provided insight into the perspective of the central, riverine Sudanese.

Additional authorities on southern Sudan cited in this thesis include Cherry Leonardi, a professor of history who has traveled extensively throughout the south since the beginning of the Machakos peace process. An interview with Benaiah Yongo-Bure, who has conducted some of the most detailed studies of development in modern

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[11] Louis Kriesberg. "The Growth of the Conflict Resolution Field." *Turbulent Peace: The Challenges of Managing International Conflict.* Eds. Crocker, Chester A., Fen Osler Hampson and Pamela Aall. Washington DC: United States Institute of Peace Press, 2003419. Crocker, Hampson, Aall 2003, 507.

[12] Peter Dixon and Mark Simmons. "The Role of Track Two Initiatives." *Peace by Piece: Addressing Sudan's Conflicts.* Accord 18 (2006). London: Conciliation Resources, 2006, 60-61.

[13] Barbara F. Walter. "The Critical Barrier to Civil War Settlement." *International Organization* 51:3 (1997), 361-362.

[14] Laurie Nathan. "When Push Comes To Shove: The failure of international mediation in African Civil Wars." *Track Two* 8:2 (November 1999), 17.

[15] John Young. "Sudan IGAD Peace Process: An Evaluation." *Institute of Governance Studies*, Simon Fraser University, Vancouver. 30 May 2007, 12.

southern Sudan, contributed significantly to the understanding of the region's political and economic history. Richard Lobban, head of the Sudanese Studies Association in the United States and a former employee of the Ministry for Southern Sudan Affairs during the Nimeiri regime in the 1970s, has also been interviewed.

This work has benefited substantially from conversations with sources familiar with the technical details of the CPA. These sources include Richard Barltrop, a scholar who specializes in Sudan and has written on the Naivasha process, especially the series of events which facilitated the conclusion of the Security Agreement signed in 2003. Significantly, an interview was conducted with Sydney-based property lawyer Patricia Lane, who helped the two parties arbitrate and was herself involved in drafting the wealth-sharing agreement of 2004. She has only on one other occasion been interviewed about her role in the negotiations.

In interviewing Sudanese ex-patriots in Australia, a qualitative rather than quantitative approach was adhered to, with interviewees chosen based on their familiarity with the relevant political history. Sudanese consulted in this work are Mohamed Ibrahim and Monawar Sharif, former members of the National Democratic Alliance exile group, from eastern and central Sudan respectively. Kazim Omer and Ghanim Atara, political activists from the north, were interviewed. Finally, Alex Donato, of the UN High Commission on Refugees, who is originally from the Equatoria region in southern Sudan, has contributed to this thesis.

Additional primary material used in this thesis includes Anya Nya and SPLM/A literature, as well as literature sympathetic to both Khartoum regimes which presided over the eventual agreements. This material often takes the form of propaganda, as well as transcribed speeches and interviews. Concerning official documents such as peace agreements, declarations, and constitutions, primary sources directly wherever possible and relevant.

CHAPTER SUMMARY

In keeping with the framework of the aim stated above, the study begins with a short historical chapter. The first half of this chapter covers Sudanese political history from the Anglo-Egyptian Condominium period, through independence, and continuing until the signing of the Addis Ababa Agreement. The second half covers from this point until the signing of the Comprehensive Peace Agreement of 2005. This chapter outlines the creation of the 'Southern problem' and elements of Sudanese society relevant to the conflict such as nationalism and Islamism. In addition, a review of concepts such as the Southern policy, and Native Administration are meant to underscore the lack of integration of the Sudanese state, how this would define future conflict, and how conflict resolution efforts tried to address problems.

The study of the region's history in this chapter primarily serves the purpose of supporting the analytical chapters, and is not intended as a comprehensive history of Sudan. The brief review of colonial history is meant to outline specific elements necessary to understanding the dynamics of conflict and conflict resolution in Sudan: in particular, the fractured nature of the unintegrated Sudanese state, the origins of the patron-client relationships which define Sudanese politics, the patterns of Sudanese development, and the origins of both northern and southern Sudanese nationalism. A short review of the colonial era is necessary to outline the degree to which northern Sudanese political society evolved, leaving the south behind. After all, there would be no such understanding of the southern movements as 'guerrilla warfare' were it not for the advent of a modern Sudanese military under the Condominium. In pre-colonial times, the disparity between African forces was not so great that the term 'guerrilla' would have any meaning.[16] Because of this focus on the conditions which created the structural foundations for warfare in post-colonial Sudan, other important events in colonial Sudanese history, such as the 'care and maintenance' period of administration of the south in the 1930s, the Nile Valley Unity movement, and the significant role of the Sudanese Communist Party in the northern nationalist movement are not examined in detail. Instead, the focus is on the foundations of

[16] Christopher Clapham. "Introduction: Analysing African Insurgencies." *African Guerrillas.* Ed. Christopher Clapham. Oxford: James Currey Ltd, 1998, 3.

issues which would define the relationship of the warring parties in the post-colonial hostilities.

The coverage of events after the beginning of the first war in 1955 and Sudanese independence provides a chronology to be analyzed in successive chapters, and grounds theory in an historical basis. In addition, it introduces the dominant movements, parties, and individuals relevant to both conflicts and their resolution. Finally, this chapter will describe the patterns of attempts at conflict resolution throughout the history of both conflicts, laying out the basic issues of contention to be evaluated in subsequent chapters.

The historical material is followed by four analytical chapters that explore the historical information presented in the first chapter in greater detail and allow for broader theorization. These chapters seek to explain elements of each agreement in terms of the dynamics of the conflicts they ended, thereby placing specific aspects of the agreements in a broader political context. The second and third chapters establish the larger themes of Sudanese history, providing a bridge between the historical chapter and the fourth and fifth chapters, which deal with the more technical elements of the agreements. For the sake of narrative, and because these chapters often chart evolutionary processes, events discussed will usually follow a chronological pattern. While this may lead to repetition of some points, particularly those touched on in the earlier historical chapter, the weight applied to individual concepts and events, as well as the angle at which they are examined, will be different in each instance.

Chapter Two examines northern and southern concepts of national identity, and how these have been addressed by efforts to end the two wars. The chapter lays out the fundamental issues of identity and ideology as they apply in the Sudanese context. The first part of the chapter discusses the evolution of these processes, while the latter portion more specifically describes how they were addressed within the agreements. In addition, the chapter seeks to clarify the priorities of both parties in both agreements by examining concessions made regarding issues of identity in the agreements.

Emphasis is made on determining competing visions of national identity – not regional, religious, or tribal identity – because both the peace agreements were of a national nature and did not seek to address issues of Christian or Arab identity. Islam is a complex, multi-faceted element of Sudanese society, but in this thesis its influence is addressed primarily in terms of its use as a tool of the state. This focus serves to highlight an often-overlooked distinction in the role political Islam played in the conduct of both wars and its interaction with conceptions of Sudanese nationalism. Successive regimes in the first war, whether leftist or conservative, utilized Arab-Islamic culture, but primarily as a nation-building tool to compensate for a lack of national integration at the time of independence. By contrast, in the second war, Islam increasingly became a political weapon used irrespective of nationalist principles. The decoupling of Islam as a tool of the northern nationalist movement allowed for concessions regarding the integrity of the Sudanese state in the CPA which the government was not willing to make in the AAA.

This chapter makes the most important distinctions between the governments which concluded the treaties, as well as between the rebel movements which they successfully negotiated with. It aims to differentiate between the nationalist vision of successive governments in the first war and of the post-nationalist conduct of the Bashir regime in the second. Similarly, the chapter details the evolution of Sudanese nationalism, and the contrast between the nationalist visions of the two dominant insurgent groups in each war.

Chapter Three observes the process by which institutions break down, as reflected in the AAA and CPA. The chapter gives issues of identity discussed in Chapter Two a more concrete political foundation, discussing Sudanese patronage politics and coalition building. These characteristics have defined Sudanese governance since independence, and both agreements were designed to be an extension of them. Because both peace agreements were implemented nationally, the chapter will concentrate on national patronage politics, with less emphasis placed on similar networks which exist at sectarian and regional levels. In addition, the national nature

of the agreements, and their role in attempting to induct the rebel movement into a coalition with the state, also prescribes that greater attention be paid to the government's neo-patrimonial tendencies rather than the internal patronage of the various rebel movements.

The chapter explains how exclusivist coalitions formed under the patrimonial state during the colonial period helped prevent broad-based nationalist movements that had appeal to both the north and the south from emerging. The national government's resulting fragile base of legitimacy has led to a series of weak coalitions and strong neo-patrimonial hierarchies. The dynamics of patronage politics have also destabilized and disrupted attempts at mediation of the conflict, as demonstrated by the failed attempts of parliamentary governments during the 1980s to negotiate an end to the war. Most importantly, these dynamics have broken down the norms of post-colonial Sudanese politics, both destroying the foundations of northern nationalism and making SPLM/A insurgent leader John Garang's 'New Sudan' alternative equally unworkable.

Chapter Four examines how these political dynamics, in addition to Sudan's multiple security dilemmas, have been affected by development and natural resources, in effect discussing the practical implications of neo-patrimonial structures on conflict resolution. The chapter establishes the close connection between security, development and resources, as demonstrated by incidents such as the controversial construction of a service road to the oil regions during the final years of the second war, as well as the pattern by which cease fires would be concluded or violated in both conflicts. The role international oil companies played in the second war, and the significance of their interactions with both Khartoum and the insurgency, is also evaluated.

The chapter addresses the well-known greed/grievance approach to conflict resolution in the context of these treaties, and evaluates this method of examining conflict resolution both in terms of the treaties themselves and unsuccessful attempts at resolving the conflict. Here the benefits of analyzing the two treaties comparatively

with regards to natural resources is especially useful, as these resources were a dominant issue of contention in the second war but played only a limited role in the first. In addition, larger patterns of socioeconomic development will be examined to determine the motivations of actors in the wars. In this chapter, the role the army and insurgent movements had in implementing cease fires, troop quotas and other elements of the negotiation process and final agreement will also be discussed.

Chapter Five explains why the resolution of Sudan's wars cannot be analyzed in terms of the demands of internal parties alone, but must be observed in the broader context of Sudan's domestic and foreign circumstances. In addition, an analysis of the role outside actors have played in Sudan's conflicts and their resolution is a barometer by which to gauge the influence of nationalism, political Islam, and broader Arab/African questions of identity. Especially in a politically weak state such as Sudan, these broader relationships are particularly obvious indicators of the capabilities, limitations, and motivations of both regimes and rebel movements.

The involvement of other states in the mediation of Sudan's conflicts will be reviewed in this chapter, especially in relation to the sovereignty of the Sudanese state. It will be shown that the degree to which Khartoum has allowed other states to play a role in the mediation of its domestic conflict is a constant and legitimate indicator of the erosion of nationalism as an organizing principle of administration in post-colonial Sudan.

The conclusion reaffirms and harmonizes the findings reached in the body of work, and further outlines the relevance of the information gained from analyzing Sudan's attempts at conflict resolution towards the broader dynamics of Sudanese political history.

CHAPTER ONE: HISTORICAL REVIEW

In order to analyze the Addis Ababa Agreement (AAA) and the Comprehensive Peace Agreement (CPA), certain historical trends must be identified which have traditionally contributed to conflict. In Sudan, the dynamic of a weak central state seeking to expand itself via unstable coalitions and exploitation of the hinterland defines both agreements and has been a constant, predating even the Turco-Egyptian conquest of the early 1800s. The aggressive nature of state-building, projecting outwards from the central Nilotic areas, commonly met resistance in remote regions such as Darfur, the Nuba Mountains, and southern Sudan.[17]

Islam came to be a strong cultural element which distinguished northern political cultures from those of the south. The Islamic faith was initially uncoupled with the early state-building process, spreading peacefully from Arab lands throughout the belt of northern Sudan.[18] While the religion retained an orthodox flavor in urban, riverine regions, as it spread to the countryside it mixed with African mysticism, creating the Sufi traditions which would typify Sudanese Islam throughout the twentieth century.[19] These traditions grew to dominate Sudanese culture, becoming the primary sub-national forms of identity in the north as they gradually pushed tribal affiliations to the background.[20]

Obstacles of climate posed a natural barrier to the spread of Islam, as the marshes and jungles of the south were not conducive to the religion's traditional dissemination.[21]

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[17] Douglas Johnson, *The Root Causes of Sudan's Civil Wars*, Bloomington: Indiana University Press, 2003, 7. Peter Woodward, *Sudan, 1898-1989: the Unstable State*, Boulder, Colorado: L. Rienner Publishers; London: L. Crook Academic Pub, 1990, 25.

[18] Woodward, *1898-1989: the Unstable State*, 23. Muddathir Abd Al-Rahim. *Imperialism and Nationalism in the Sudan.* Oxford, UK: Clarendon Press, 1969. 6. Scopas S. Poggo. "General Ibrahim Abboud's Military Administration in the Sudan, 1958-1964: Implementation of the Programs of Islamization and Arabisation in the Southern Sudan." *Northeast African Studies* 9:1 (2002), 67.

[19] Francis Mading Deng, *War of Visions: Conflict of Identities in the Sudan.* Washington, Brookings Institute, 1995, 41, 44.

[20] Muddathir Abd Al-Rahim, "Arabism, Africanism, and Self-Identification in the Sudan." *The Southern Sudan: The Problem of National Integration.* Ed. Wai, Dunstan M. London: Frank Cass, 1973, 33-34.

[21] Poggo, "General Ibrahim Abboud's Military Administration in the Sudan, 1958-1964," 68. Charles Gurdon. *Sudan at the Crossroads.* Cambridgeshire: Menas Press Ltd, 1984, 32. The vast *Sudd* swamp from which the White Nile emerged in southern Sudan was almost impervious to indigenous transport and communication methods until the Turkish arrival in the early-1800s. Francis Mading Deng, "Green is the Color of the Masters: The Legacy of Slavery and the Crisis of National Identity in Modern Sudan." *Gilder Lehrman Center for the*

As a result, before the Turco-Egyptian expedition into the upper Nile region in the early 1800s, there had been no political alliance or national unity of any kind between northern and southern Sudan.[22] The arrival of the Turks to the south began southern identification of Islam with the violent, expansionist process that defined state-building in the region. As the south's climate made it a uniquely difficult territory to incorporate into the Turco-Egyptian state, it served generally as an unorganizable hinterland beneficial primarily for its commercial potential: specifically in ivory, cattle and slaves.[23]

The fragile Turco-Egyptian state in Sudan was finally overpowered by an Islamic revivalist movement in the 1880s, led by a charismatic religious figure known as the Mahdi, who died soon after his forces took Khartoum from the Turco-Egyptian forces in 1885.[24] His successor, Khalifa Abdullahi, would spend thirteen years building an Islamic state before being overthrown by a combined British-Egyptian force in 1898. While their rule saw the further disintegration of tribal bonds throughout northern Sudan, the Mahdist state was too weak to penetrate the south permanently.[25] This failure of the central state to assert control over the southern region would become a constant theme of Sudanese history. Large swaths of the south were not significantly administered by outside rule until the 1920s.[26]

Study of Slavery, Resistance and Abolition, Yale University. New Haven, Connecticut. 23 October 2004, 15. Al-Rahim, *Imperialism and Nationalism in the Sudan*, 7. The swampland was especially incompatible with the desert-oriented, migratory culture of the Arabs who spread Islam through the region.

[22] Deng, *War of Visions: Conflict of Identities in the Sudan*, 69. Abel Alier, "The Southern Sudan Question." *The Southern Sudan: The Problem of National Integration.* Ed. Wai, Dunstan M. London: Frank Cass, 1973, 11-12. Martin Daly, "Broken bridge and empty basket: the political and economic background of the Sudanese civil war." *Civil War in The Sudan.* Eds. Daly, M.W. and Ahmad Alawad Sikainga. London: British Academic Press, 1993, 3.

[23] Woodward, *1898-1989: the Unstable State*, 22. Poggo, "General Ibrahim Abboud's Military Administration in the Sudan, 1958-1964," 70. Abel Alier, "The Southern Sudan Question," 12. Muddathir Abd Al-Rahim, "Arabism, Africanism, and Self-Identification in the Sudan." *The Southern Sudan: The Problem of National Integration.* Ed. Wai, Dunstan M. London: Frank Cass, 1973, 33. The Turco-Egyptian regime had organized the north into four distinctly administered provinces, but did not extend significant administration into the hinterlands of the south. Jeffrey Herbst. *States and Power in Africa: Comparative Lessons in Authority and Control.* Princeton, New Jersey: Princeton University Press, 2000, 20-21, 42-43. This model adheres to the traditional pattern of state-building in pre-colonial Africa, where people and resources were the objective to be captured, not territory.

[24] P.M. Holt. *A Modern History of the Sudan.* London: Weidenfeld & Nicolson, 1961, 86. Abu Baker El Obeid, *Political Consequences of the Addis Ababa Agreement.* Stockholm: Liber Tryck, 1980, 28.

[25] Holt. *A Modern History of the Sudan*, 102.

[26] Abel Alier, "The Southern Sudan Question," 13. Francis Mading Deng, "Green is the Color of the Masters: The Legacy of Slavery and the Crisis of National Identity in Modern Sudan." *Gilder Lehrman Center for the Study of Slavery, Resistance and Abolition*, Yale University. New Haven, Connecticut. 23 October 2004, 31. Woodward, *1898-1989: the Unstable State*, 26, 33.

THE ANGLO-EGYPTIAN CONDOMINIUM UNTIL 1924

The colonial era exacerbated the earlier center-periphery dynamics of the state, and defined the perimeters of the Sudanese nationalist movement which was so prominent in the first war. By 1898, the push to control the Nile headwaters before other imperial powers did so finally compelled the British to overthrow the Mahdist state in the name of Egyptian reconquest.[27] To quell opposition from both Egyptians and Britain's imperial European rivals over the reconquest, Lord Kitchener's force raised both the British and Egyptian flags when Khartoum fell, beginning the Condominium rule in which Egypt would play little more than a token role, initially providing only mid-level staff and administrators.[28]

An early reason for the unity of such a diverse, indeed unwieldy, state was Britain's need to administer Sudan in accordance with its legal obligation to Egypt, preventing any division of the vast territory. The entirety of Sudan was to be governed as a whole, with no portion of the south transferred to British East Africa, regardless of whether that was a more feasible option from an administrative perspective.[29] The result of these considerations was the Anglo-Egyptian Agreement, signed January 1899 in Cairo.[30] The agreement was based on a slender legal pretext, maintainable only while the British had control of both Egypt and the Sudan.[31]

When the Anglo-Egyptian regime was established there was neither a Sudanese aristocracy nor a power elite, the Mahdist structures had been demolished, and the tribal and sectarian structures from before its existence had been severely weakened. As a result the British relied heavily on military order, while seeking to enhance the status of religious and tribal notables where they could be found. In towns

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[27] Daly, "Broken bridge and empty basket: the political and economic background of the Sudanese civil war," 5. Deng, *War of Visions: Conflict of Identities in the Sudan*, 52.

[28] Daly, "Broken bridge and empty basket: the political and economic background of the Sudanese civil war," 5. Deng, *War of Visions: Conflict of Identities in the Sudan*, 27, 33. Britain claimed to be reconquering the territory in the name of Egypt, which by 1882 it effectively controlled. The claims of the Ottoman Empire, which were vague even before the Mahdist insurrection, were ignored.

[29] Al-Rahim, *Imperialism and Nationalism in the Sudan*, 19, 37. Telephone interview by the author with R. S. O'Fahey, Oslo, 2009.

[30] Al-Rahim, *Imperialism and Nationalism in the Sudan*, 32. Paul Goldsmith, Lydia A. Abura and Jason Switzer. "Oil and Water in Sudan." *Scarcity and Surfeit, The Ecology of Africa's Conflicts*. Eds Jeremy Lind and Kathryn Sturman. Pretoria, South Africa: Institute for Security Studies, 2002, 190.

[31] Al-Rahim, *Imperialism and Nationalism in the Sudan*, 37, 28. Holt, *A Modern History of the Sudan*, 111-112.

throughout northern Sudan, especially in the riverine area, the regime sought out and enhanced the standing of local esteemed merchants. Through these associations, the Condominium was able to administer the rest of the population: largely peasants or pastoralists, augmented by an insubstantial artisan sector.[32] Tribal and sectarian patron-client relationships would only be formalized after the 1922 publication of Lugard's *The Dual Mandate in British Tropical Africa*, a book that made a creed of 'Native Administration', or indirect rule, not just in Sudan but throughout the British Empire.[33]

The early Anglo-Egyptian state followed the traditional pattern of organizing from the center outwards, relying on patrons based in the riverine central and eastern areas, not the dominantly nomadic hinterland.[34] Upon his replacement of Lord Kitchener as Sudan's Governor General in 1899, Sir Reginald Wingate found he had few institutions to govern through. This situation was an early inducement towards exclusive coalitions in the Sudanese government, in which Wingate relied heavily on personal relationships with urban collaborators, who relied in turn on their personal relationships with him. This arrangement led to a key development during the early colonial administration, the ascent of neo-Mahdism as developed by the posthumous son of the original Mahdi. In a bargain with British authorities, the practical and ambitious Sayyid Abd Al-Rahman was allowed freedom to reassemble his Ansar, the militant followers of his father. The British feared that the Ottoman Sultan might call the Sudanese to a holy war against them and sought to bring the until-then marginal figure into the service of Khartoum, counteracting any religious propaganda.[35] The

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[32] Abdel Salam M. Sidahmed. *Politics and Islam in Contemporary Sudan.* New York: St. Martin's Press, 1996, 18. Daly, "Broken bridge and empty basket: the political and economic background of the Sudanese civil war." *Civil War in The Sudan.* Eds. Daly, M.W. and Ahmad Alawad Sikainga. London: British Academic Press, 1993, 7.

[33] Martin Daly, "Broken bridge and empty basket: the political and economic background of the Sudanese civil war," 5. Deng, *War of Visions: Conflict of Identities in the Sudan*, 5. Al-Rahim, *Imperialism and Nationalism in the Sudan*, 51.

[34] Interview by the author with Ahmed Al-Shahi, Oxford, 2007. Woodward, *Sudan, 1898-1989: the Unstable State*, 39. Salah El-Zain, "Articulation of Cultural Discourses and Political Dominance in Sudan." *Respect* 1:2, (March 2006), 1.

[35] Martin Daly, "Broken bridge and empty basket," 5. Deng, *War of Visions: Conflict of Identities in the Sudan*, 7. Peter Woodward "Islam and Politics." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 3. Muddathir Abd Al-Rahim, "Arabism, Africanism, and Self-Identification in the Sudan." *The Southern Sudan: The Problem of National Integration.* Ed. Wai, Dunstan M. London: Frank Cass, 1973, 36. The Mahdi aspired to abolish all Sufi orders, including the ones he had been a member of. However, under its British revival, Mahdism was in practice very much like a Sufi *tariqa* in behavior, albeit a militant one.

resurrected Mahdi dynasty would play a key role in the sectarian patronage politics of Sudan throughout the twentieth century.

However, such personal relationships were of limited usefulness in an area as vast and lightly administered as the south.[36] By the time they launched their campaign to suppress southern resistance in the late 1910s and early 1920s, the British felt compelled to use harsh measures against these Nilotic peoples. This was in part because of the early difficulty of finding collaborators. Neither the Dinka nor the Nuer, the two dominant Nilotic peoples, had a very hierarchical culture, leaving few pliable tribal elites with any authority on whom the British could rely to administer in the Governor General's name.[37] It was not until these peoples had been pacified by coercion and force that any degree of tribal administration could be implemented with relative success.[38]

After initial pacification, British interest in peripheral regions of the territory waned. Kitchener and Wingate simply wanted southern tribes to remain peaceful, and therefore affordable to govern.[39] Khartoum tended to view the spending of money in the south as a drain of scarce resources. Dinka began to like the 'benign neglect' of the British and to cooperate with them, partly because they noticed that, in contrast with the administration of their predecessors, cattle raids and slave raids from the north were beginning to decrease.[40] Neither the British nor southerners had any interest in further uniting the south with the rest of Sudan. As a result, the Sudanese state would remain less integrated than most others in colonial Africa.

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[36] Woodward, *Sudan, 1898-1989: the Unstable State*, 38. Robert O. Collins, *Shadows in the Grass: Britain in the Southern Sudan, 1918-1956.* New Haven & London: Yale University Press, 1983, 12. By 1919, there were only seventeen British administrators in the provinces of Bahr Al-Ghazal and Mongalla, an area encompassing most of the south that was 'twice the size of Britain'.

[37] Collins, *Shadows in the Grass*, 2, 17. Herbst, *States and Power in Africa*, 39. Herbst quotes Thomas J. Barfield's observation that the powers of Dinka chiefs were weak in part because of the vastness of the region: dissenting factions could always move away.

[38] Collins, *Shadows in the Grass*, 31. The Dinka's lack of rigid structures of authority made it difficult to conquer them easily with a small force. However, once pacified, the same lack of hierarchy made them highly compatible with the light administration under the Condominium government. Francis Mading Deng, *Africans of Two Worlds: The Dinka in Afro-Arab Sudan.* New Haven, Connecticut: Yale University Press, 1978, 157-158.

[39] Woodward, *Sudan, 1898-1989: the Unstable State*, 15.

[40] Deng, *War of Visions: Conflict of Identities in the Sudan*, 83.

NATIONALISM IN NORTHERN SUDAN AND THE SOUTHERN POLICY

It was specifically the British desire for a modern bureaucracy to administer Sudan which created the first northern nationalist movement. The young nationalists saw the traditional tribal and Sufi elites as too deferential to British rule, and as obstacles to Sudan's emergence as a modern nation-state. The White Flag League, a movement led by Military School graduates and formed in May 1924 by a Sudanese officer of Dinka origin named Ali Abd Al-Latif, became the apex of Sudanese nationalism.[41] The organization initially advocated self-determination for Sudan, but became more militantly nationalist after early government suppression, turning to Egypt for help against Britain.[42] Al-Latif was arrested in July 1924, setting off waves of protests in Khartoum that culminated in the mutiny of Sudanese and Egyptian soldiers and the annihilation of a battalion of them by British troops.[43]

While nationalist opposition to British rule would ultimately culminate in the Khartoum uprising, Sudanese officers in the southern towns of Wau and Malakal began organizing demonstrations soon after. In the Wau demonstration, both Sudanese and Egyptian officers paraded through the town shouting slogans against British occupation. The Malakal demonstration came less than a month later and was considered so serious that the provincial governor called in British forces.[44]

Al-Latif's southern and slave heritage were representative of the halting steps the British had been taking towards meritocracy in the 'Sudanization' of the army and government. Former slaves and their descendants, a cast with traditionally few prospects in Sudan, benefited disproportionately from education and government employment, particularly in the military.[45] As a result of the mutiny, that was to end. The Dinka's reputation among the British was damaged in particular as they were

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[41] Telephone interview by the author with Richard Lobban, Providence, 2009. Al-Rahim, *Imperialism and Nationalism in the Sudan*, 105. Hassan Abdel Ati. "Untapped potential: civil society and the search for peace." *Peace by Piece: Addressing Sudan's Conflicts.* Accord 18 (2006). London: Conciliation Resources, 2006, 68.
[42] Mohamed Omer Beshir. *The Southern Sudan: From Conflict to Peace.* London: C. Hurst & Company, 1975, 136.
[43] Al-Rahim, *Imperialism and Nationalism in the Sudan*, 106. Woodward, *Sudan, 1898-1989: the Unstable State*, 42. Holt, *A Modern History of the Sudan*, 129.
[44] Collins, *Shadows in the Grass*, 69. Deng, *War of Visions: Conflict of Identities in the Sudan*, 108.
[45] Woodward, *Sudan, 1898-1989: the Unstable State*, 56.

implicated in resistance in both the north, through the movement of the Dinka-born Al-Latif, and the continued instability in Dinka regions to the south.[46] Educated Sudanese realized they could foment unrest but could not affect real change without the help of traditional sectarian leaders.[47] The recognition of this quandary marked the end of the early nationalist challenge to Sudan's patronage network.

The events of 1924 intensified British determination to enforce separate administration for northern and southern Sudan, and to withhold education and development in areas inhabited by the southern Nilotic tribes, the Dinka especially.[48] This deprivation would later form a basis for southern grievances, especially in the first war. After 1924, the lack of integration in the south moved from a loose arrangement of convenience to an enforced policy. While this "Southern Policy" – the British plan to keep southern Sudan both administratively and culturally distinct from the north – was not formalized until 1930, it had been an unofficial arrangement for years. The Closed Districts Order of 1922 allowed the British to introduce the English language and ban the use of the Arabic language from schools and offices in the south.[49] A 1922 memorandum stated a further reason for a separate regional devolution scheme: the south might eventually be considered part of Britain's East African possessions, possibly being included in a federation with those territories.[50] Military administrators remained in the south throughout the period of the Southern

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[46] Deng, *War of Visions: Conflict of Identities in the Sudan*, 109.

[47] John Voll and Sarah Voll, *The Sudan: Unity and Diversity in a Multicultural State.* Boulder, Colorado: Westview Press, 1985, 58. Al-Shahi, interview.

[48] Deng, *War of Visions: Conflict of Identities in the Sudan*, 137.

[49] Telephone interview by the author with Baqie Muhammed, Bloomington, 2009. Gurdon, *Sudan at the Crossroads*, 12. Luka Biong Deng, "Education in Southern Sudan: War, Status and challenges of achieving Education for All Goals." *Respect* 4 (November 2006), 3. Deng, "Green is the Color of the Masters: The Legacy of Slavery and the Crisis of National Identity in Modern Sudan," 30. Atta El-Battahani, "A complex web: politics and conflict in Sudan." *Peace by Piece: Addressing Sudan's Conflicts.* London: Conciliation Resources, 2006, 11. Amir Idris. *Conflict and Politics of Identity in Sudan.* New York: Palgrave Macmillan, 2005, 38. Collins 1983, 59. The Passports and Permits Ordinance of 1922 cordioned off unrestricted travel by Sudanese between northern and southern districts.

[50] Idris, *Conflict and Politics of Identity in Sudan*, 36. By 1920, as southern tribes continued to resist administration, a government report issued by a task force called the Milner Mission outlined the first steps towards decentralization in the region. Gurdon, *Sudan at the Crossroads*, 11. Al-Rahim, *Imperialism and Nationalism in the Sudan*, 74. The report made no formal recommendations about Sudan's future, but it did recommend recognizing the distinctness between African and Arab. It was thereby decided that the governors of the three southern provinces should not attend the annual meetings of Governors in Khartoum unless absolutely necessary, but should arrange periodic gatherings between and keep in touch with their opposite numbers in Kenya and Uganda.

Policy, given little instruction from Khartoum as long as they kept the area pacified on a modest budget.[51]

Condominium economic policy towards the south passed through two main phases. In the first phase from 1899 to 1919, the policy of the Sudanese government towards the southern provinces consisted of little apart from maintaining law and liasing with the various missionary orders. In the second phase, after Egypt's 1922 independence and the 1924 uprisings led by an officer of Dinka origin, the government became active and interventionist.[52] Dependence on centralized control via quasi-military administration would remain in practice in the south throughout the Anglo-Egyptian period. Native Administration was only practiced in remote southern areas, not the towns.[53]

From the 1920s on, the colonial machinations which divided the north from the south became more obviously self-serving. Southern administration might have benefited from some elements of Native Administration, which involved separating one ethnic group from another with an emphasis on tribal law. This concept had the potential to work well in the south to avoid conflict, but southern administration could not afford to be as indirect as that in the north since it required authorization from both Cairo and London.[54] The Southern Policy was the most pronounced example of the British preference for the least amount of national integration possible to better administer the territory. The goal of administering the south according to distinct ethnic groups was further facilitated by an increased reliance on missionaries to provide education. The missionaries assisted the process by dividing the south up into spheres of influence for various missionary orders. Christian missionary activity and poor communications deepened the divide between north and south. Islam was to be kept out of the region, even to the exclusion of capable Muslim administrators.[55] The

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[51] Deng, *War of Visions: Conflict of Identities in the Sudan*, 85.
[52] Al-Rahim, *Imperialism and Nationalism in the Sudan*, 71.
[53] Woodward, *Sudan, 1898-1989: the Unstable State*, 77-78. By 1949, when the British finally began focusing on creating modern local government institutions in the south, they did not even have a Native Administration template in some areas upon which to build.
[54] Woodward, *Sudan, 1898-1989: the Unstable State*, 47.
[55] Lobban, interview. Al-Rahim, *Imperialism and Nationalism in the Sudan*, 73. After the 1924 mutiny, the British were especially hostile to an Egyptian presence in the south. When sending Egyptian clerks to the area

definitive statement on the Southern Policy was prepared on the request of the Governor General by the Civil Secretary, Harold MacMichael, and sent to the three Southern governors in January 1930.[56] The purposeful neglect of the south by the colonial regime led to insubstantial relations between state and society in the region. This, combined with a dearth of economic and social development, led to a lack of an early formation of political parties in the south, which slowed modern political identity.[57]

THE SECOND WAVE OF NORTHERN NATIONALISM AND PRE-INDEPENDENCE INTEGRATION EFFORTS

The resurgence of northern nationalism in the late 1940s began the push towards independence and the launching of the first civil war. Northern nationalism had been kept at bay in the years following the 1924 mutiny, manifesting itself primarily in non-political literary societies and publications. However, the increasingly obvious need for education and development led the still-active northern intelligentsia to dismay over how Khartoum promoted what they saw as tribalism and ignorance instead of modernity. Nationalists thought southern provinces in particular had been kept backwards to satisfy what they considered British fascination for the 'noble savage'.[58]

Early British attempts to accommodate northern nationalism sought to retain the north-south division but only exacerbated northern suspicions. The first incarnation of any government-intelligentsia coalition was the 1943 formation of the Advisory Council of North Sudan, the most forward step yet taken towards self-government in Sudan.[59] As the name implied, the council excluded the south, arousing the age-old

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could not be avoided, Coptics were preferred to Muslims. Sunday, not Friday, would be the day of rest as it was elsewhere in Sudan.

[56] Collins, *Shadows in the Grass*, 172-173. Al-Rahim, *Imperialism and Nationalism in the Sudan*, 75. This letter became the basis for official policy until 1947. It encouraged as little interaction between northern and southern Sudanese as possible, to the extent that Greek and Syrian merchants were preferred to operate in the south to the northern Sudanese traders who had worked in the region for decades.

[57] Woodward, *Sudan, 1898-1989: the Unstable State*, 71.

[58] Al-Rahim, *Imperialism and Nationalism in the Sudan*, 204, 117. The title of an article in Al-*Fajr*, one of the more prominent literary publications of the 1930s, announced succinctly the service these nationalists thought the government could best provide. 'Our slogan is: give us education and leave us alone!'

[59] Al-Rahim, *Imperialism and Nationalism in the Sudan*, 135. Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 60. Peter Woodward, "Military-Civilian Relations." *Sudan Since Independence.* Eds. Abd

suspicion among northerners that the government was planning to sever the territory.[60]

With the end of World War Two, the need for a re-examination of Southern Policy became more apparent to Condominium officials. Even before it was officially discontinued in 1947, the Southern Policy was already unravelling, a product of the small but growing business class in the north. British administrators typically discouraged commercialization of culture, fearing it might erode 'traditional' society, but foreign banks and export houses encouraged trade to a degree that the government was unable to thwart.[61] Khartoum would reluctantly accept the post-war explosion of commerce as the best way to fight communism and keep Sudan under Western influence.[62] Northern traders were slowly infiltrating the south, along with a few Greek and Syrian merchants. However, it did not become an intention of either the colonial or independent government to encourage widespread southern commerce until the Nimeiri regime.[63]

The movement towards independence in the late 1940s was the primary reason for British efforts to integrate the state during that period. The Governor General convened the Sudan Administrative Conference on 22 April 1946, an event that marked the beginning of the end of the Southern Policy.[64] Its termination was based

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Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 56. The Advisory Council for North Sudan had been established quickly after the demise of the Graduates Congress, a social organization founded in 1938 that eventually disintegrated due to sectarian pressures and government rejection of the group when it attempted to become more political in 1942.

[60] Al-Rahim, *Imperialism and Nationalism in the Sudan*, 143. Governor General Newbold responded to the charge that this was practical, not political, as the south had not yet achieved the enlightenment and cohesion the north had so they did not have representatives, and northerners could not fairly represent them.

[61] Woodward, *Sudan, 1898-1989: the Unstable State*, 124.

[62] Woodward, *Sudan, 1898-1989: the Unstable State*, 82.

[63] Dunstan M. Wai, "The Southern Sudan: The Country and the People." *The Southern Sudan: The Problem of National Integration.* Ed. Wai, Dunstan M. London: Frank Cass, 1973, 9.

[64] Al-Rahim, *Imperialism and Nationalism in the Sudan*, 159. Oliver Albino, *The Sudan: A Southern Viewpoint.* London: Oxford University Press, 1970, 23. Peter Russell and Storrs McCall. "Can Secession Be Justified? The Case of Southern Sudan." *The Southern Sudan: The Problem of National Integration.* Ed. Wai, Dunstan M. London: Frank Cass, 1973, 96-97. Russell and McCall list four reasons for the British reversal of the Southern Policy. First, the government was being pressured by educated northerners in Khartoum for self-rule for all of Sudan, including the south. Second, authorities believed excluding northerners from economic development projects in the south was hurting that area's development, not helping it. Third, Egypt was urging Britain not to separate the south from the north in the hopes that eventually the entire Sudan would be united with Egypt. Fourth, there were no signs that British East Africa was interested in closer links with underdeveloped Southern Sudan, ruling out joining those regions. Cecil Eprile, *War and Peace in the Sudan 1955-1972.* London: David & Charles, 1974, 19. A fifth, supplementary reason might also have been to reward the Sudanese for their service in World War Two defending Sudan from the Italian invasion out of Abyssinia.

on government recognition that when the British left, the south would have to be integrated with the north as no other solution seemed evident. While it was never in doubt among northern nationalists, this may be one of the most explicit signs that the Southern Policy was used more as a convenience for the British rather than a necessary administrative tool for the benefit of southerners.

In the south, the significance of the Sudan Administrative Conference was widely debated as the proposed legislative body it would create was to extend over the entire territory including the south, rescinding the isolationist Southern Policy.[65] The Umma Party specifically demanded the inclusion of the south in the proposed Legislative Assembly, which alarmed British officials in southern provinces.[66] More than ever, northerners feared the British planned to create a separate state in the south, or administer the region through Uganda.[67]

The potential for Sudanese integration had been contemplated for years, but never fully investigated. In August 1943, the Governor of Equatoria had suggested that there was probably no political compatibility between north and south, but that it should not be ruled out as an option.[68] No southerners had been present at the Sudan Administrative Conference, which was itself a result of Southern Policy. A conference held on 12 and 13 June 1947 in the southern city of Juba was assembled to address the oversight. The Civil Secretary, governors of the three southern provinces, seventeen southern chiefs and six northerners attended.[69] Southern members were selected not based on their political consciousness or experience, but because they represented different regions of the south.[70] The purpose of the conference was to orientate southerners towards the idea of their participating in the Legislative Assembly.[71]

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[65] Al-Rahim, *Imperialism and Nationalism in the Sudan*, 166.
[66] Woodward, "Military-Civilian Relations," 56
[67] Holt, *A Modern History of the Sudan*, 150. Eprile, *War and Peace in the Sudan 1955-1972*, 70. Beshir Mohammed Said believes that December 1946 is the watershed moment in British policy regarding Sudan, where the region was treated as a part of Sudan proper, not potentially East Africa. Said identifies James Robertson as the architect of the policy that led to Sudanese independence.
[68] Al-Rahim, *Imperialism and Nationalism in the Sudan*, 167.
[69] Al-Rahim, *Imperialism and Nationalism in the Sudan*, 170. Albino, *The Sudan: A Southern Viewpoint*, 25.
[70] Beshir, *The Southern Sudan: From Conflict to Peace*, 47.
[71] Joseph Oduho and William Deng, *The Problem of Southern Sudan.* London: Oxford University Press, 1963, 15-16. Southern nationalists in particular stress that the conference resulted only in southern representation in the

SOUTHERN NATIONALISM AND THE BEGINNING OF THE FIRST CIVIL WAR

The unravelling of the Anglo-Egyptian regime would also stoke new tensions in the increasingly confrontational relationship between north and south Sudan. The Egyptian-Sudanese relationship was a dynamic one from 1952 to 1954. During this period, the political debate over unification with Egypt was revealed to be little more than a distraction to northern nationalists from more serious internal divisions. First, the deposition of King Faruq by the Free Officers in Cairo ended the claims of the Egyptian crown over Sudan. By 12 October 1952 both the Egyptian government and the Umma Party – the primary advocates of Sudanese independence separate from Egypt – had signed an agreement stating that Sudan should be free from outside intervention.[72] Egypt's relinquishing of its traditional claim to Sudan complicated the British mandate over the territory and hastened the arrival of Sudanese self-government in 1953, the first step to independence.[73]

While the Mahdists who dominated the Umma Party could make tactical alliances with Cairo, it soon became obvious that they remained intent on keeping Sudan free of Egyptian control. Ansar violence in Khartoum during the opening of parliament on 1 March 1954 effectively ended any chance of union with Egypt.[74] It could not be achieved without risking civil war. By April 1955, the Nasser regime had grown hostile to Sudanese Prime Minister Ismail Al-Azhari, a former staunch ally. The Egyptian press began a campaign against Azhari, declaring that he had neglected the south, which would only be pacified in a federal arrangement with Egypt and northern Sudan. This propaganda was translated into most southern dialects to arouse political anger towards Azhari in the region, in the unwarranted hope that this anger

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colonial legislative assembly, and that northern conjecture that this formed the basis for the permanent unity of north and south Sudan is unfounded.

[72] Al-Rahim, *Imperialism and Nationalism in the Sudan*, 213.

[73] Abel Alier, "The Southern Sudan Question," 18. Albino, *The Sudan: A Southern Viewpoint*, 31. Beshir Mohammed Said, *The Sudan: Crossroads of Africa.* London: Bodley Head, 1965, 72.

[74] Woodward, *Sudan, 1898-1989: the Unstable State*, 88. Gabriel Warburg, *Islam, Nationalism and Communism in a Traditional Society.* London: Frank Cass & Company, 1978, 83. Egypt augmented its unpopularity in Sudan when an Egyptian Minister remarked, after hearing Prime Minister Azhari voice his support for independence, that he could 'wipe Azhari off the face of the earth', a statement resented even by Sudanese who did not support Azhari.

would somehow transform into support for Egypt. A southern delegation invited to Egypt was given a warm reception, and subsequently voiced its support for union between Sudan and Egypt, to the ire of both northern and southern Sudanese.[75] These tensions would contribute to the end of union prospects, as Sudanese generally began to resent what they saw as Egyptian exploitation of the southern question.

Politically, discontent was growing in the south as Sudan pushed towards independence. Southerners believed Sudan was not ready for independence in 1956, as it had not been ready in October 1954 for 'Sudanization', the rushed decolonization process which gave southerners less than ten of 800 senior government posts when British officials left.[76] The tiny coterie of southern intellectuals was dismayed at their virtual shutout from these positions; they had anticipated that they would be filling administrative posts as they had filled political ones in the Legislative Assembly.[77] The intense pace of the Sudanization process saw increasing numbers of northern officers filling the ranks of the southern regional army group, the Equatoria Corps. A telegram allegedly signed by Azhari urging northern administrators to deal firmly with southern lawlessness unleashed even more protest demonstrations and strikes.[78]

On 7 August 1955 a conspiracy to mutiny was discovered in the Equatoria Corps. Authorities were too weak to make any military arrests immediately, but two civilians suspected of involvement were arrested in Juba.[79] During the course of a demonstration in protest of the arrests, the District Commissioner was assaulted and tear gas was used to disperse the mob. Khartoum reluctantly dispatched a company to quell the instability, but the unit arrived ahead of its equipment and support. The

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[75] Beshir Mohammed Said, *The Sudan: Crossroads of Africa.* London: Bodley Head, 1965, 75. Warburg, *Islam, Nationalism and Communism in a Traditional Society*, 84. Said and Warburg argue that the deliberate discord this encounter caused might have been an indirect contributing factor in August 1955 mutiny. As Said phrased it: 'If the British laid the egg... the Egyptians hatched it.'

[76] Eprile, *War and Peace in the Sudan 1955-1972*, 20. Heraclides, "Janus or Sisyphus? The Southern Problem of the Sudan," 217. Deng, "Green is the Color of the Masters: The Legacy of Slavery and the Crisis of National Identity in Modern Sudan," 33. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 72. Oduho and Deng, *The Problem of Southern Sudan*, 25. Beshir Mohammed Said, *The Sudan: Crossroads of Africa.* London: Bodley Head, 1965, 74.

[77] Abel Alier, "The Southern Sudan Question," 18.

[78] Edgar O'Ballance. *Sudan, Civil War and Terrorism, 1956-99.* New York: St Martin's Press, 2000, 7. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 73.

[79] Said, *The Sudan: Crossroads of Africa*, 76. Mom Kou Nhial Arou. "Devolution and the Southern Problem in the Sudan." *Post-Independence Sudan.* Ed. C. Allen. Edinburgh, University of Edinburgh, 1981, 118.

army command in Equatoria then persisted in ordering the Southern Corps' Second Company to move to Khartoum even when it had become quite clear that the company would refuse the order and mutiny, which it did on 18 August 1955.[80]

By 23 August the mutineers controlled almost the entire Equatoria province except Juba. Prime Minister Azhari ordered the rebels to surrender, but was ignored. Governor General Knox-Helm had been summoned back to the Sudan from the United Kingdom, where he was making preparations for Britain's withdrawal from Sudan before its independence. He ordered the rebels to surrender, assuring them that they would be treated fairly and only then would their grievances be listened to objectively. However, the majority of those mutineers who turned themselves in were executed by a vengeful northern army disinclined to keep a promise made by the departing British authorities.[81] The disorder in the south was finally stopped, but only after more than 300 northerners were killed.[82] Army retaliatory killings of southerners would reach an even higher body count, contributing further to what would become the first casualties of Sudan's first civil war.

POST INDEPENDENCE: 1956-1964

Thus, new tensions were introduced at independence that had not existed for most of the Condominium, and the British were no longer present to either resolve or suppress them. Khartoum's rushed, uncontrolled post-independence attempts at integration with the north increased southern resentment of the new independent government. Once barriers between north and south were gone at independence many southerners flocked to northern towns and cities to escape the instability of the south after the Torit rebellion and to find better paying jobs.[83] With this new contact

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[80] Eprile, *War and Peace in the Sudan 1955-1972*, 41. Arou, "Devolution and the Southern Problem in the Sudan," 118-119.

[81] Gurdon, *Sudan at the Crossroads*, 15. Oduho and Deng, *The Problem of Southern Sudan*, 31-34. Arou, "Devolution and the Southern Problem in the Sudan," 119-120. Amir Idris, *Sudan's Civil War: Slavery, Race and Formational Identities*. New York: Edwin Mellen Press, 2001, 107-108. Eprile, *War and Peace in the Sudan 1955-1972*, 17. The 1956 execution of Lieutenant Reynaldo Loyela, the revolt leader, was particularly offensive to many southerners.

[82] Al-Rahim, *Imperialism and Nationalism in the Sudan*, 225. Daly, "Broken bridge and empty basket," 5. Deng, *War of Visions: Conflict of Identities in the Sudan*, 12.

[83] Francis Mading Deng, "Development in Context." *Modernization in the Sudan.* Ed. M.W. Daly. New York: Lilian Barber Press, Inc, 1985, 147.

between fellow countrymen who had been forcibly separated for so long, the disparity of wealth between Arab and non-Arab became noticeable. Educated southerners working for the government were paid less than their northern counterparts. Many were transferred north but paid at the same rate even thought the northern standard of living made it hard to subsist on such wages.[84] Southern discontent over their status in independent Sudan led to parliamentary turmoil which further increased national instability. Subsequent strikes led to Prime Minister Abdullah Khalil's decision to step down, allowing the military to take power.[85]

Sudan's first military dictatorship had replaced an unpopular parliamentary regime, but still required the endorsement of at least one sectarian faction. In fact, both the major sectarian factions announced support for General Abboud immediately after his November 1958 *coup*, as the short era of parliamentary politics Sudan had experienced since independence seemed by that period to have reached an impasse.[86] Their support did not last long. By 1960, most political party members had begun to lose patience with the junta's 'housekeeping' mission, and began coalescing in opposition.[87]

By September 1963, the southern mutineers and affiliates regrouped under the name Anya Nya.[88] Khartoum blamed the instability in the south on bandits, refusing to admit that there was an organized, growing insurrection in the region. However, by the mid-1960s the crippling costs of constant military operations in the south were

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[84] Gurdon, *Sudan at the Crossroads*, 15.

[85] Fatma Babiker Mahmoud. "Businessmen and Politics." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 13. Adam M. Abdelmoula. "An Ideology of Domination and the Domination of an Ideology: Islamism, Politics and the Constitution in the Sudan." *Religion, Nationalism and Peace in Sudan.* US Institute of Peace, Washington DC. 16 September 1997. Woodward, "Military-Civilian Relations," 66.

[86] Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 71. Warburg, *Islam, Nationalism and Communism in a Traditional Society*, 106. Alexis Heraclides. "Janus or Sisyphus? The Southern Problem of the Sudan." *Journal of Modern African Studies* 25:2 (1987), 218. Abdel Salam Sidahmed and Alsir Sidahmed. *Sudan: The Contemporary Middle East.* London: Routledge, 2005, 30. The two dominant sectarian factions were the *Khatmiyya*, a business oriented Sufi order with close ties to Egypt, and the *Mahdiyya*, which aligned with the Umma Party.

[87] Albino, *The Sudan: A Southern Viewpoint*, 43. Albino writes that soon after the coup, Umma's main supporter among the senior officer corps was dismissed from the army by the junta, depriving the sectarian movement of direct influence.

[88] Mahmoud, "Businessmen and Politics," 14. Joseph Lagu. *Sudan: Odyssey Through a State (From Ruin To Hope).* Khartoum: M.O.B. Center for Sudanese Studies, 2006, 106. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 95.

consuming up to 30% of the national budget.[89] Abboud realized he had to search for non-military avenues to address the quandary, which entailed looking for solutions from outside a predominantly military government. In September 1964 the regime appointed a commission of inquiry into the cause of the southern problem.[90] The committee would hold hearings open to the public, thereby beginning what amounted to a national dialogue concerning the war.

THE OCTOBER REVOLUTION OF 1964 AND THE ROUND TABLE CONFERENCE OF 1965

The war in the south was beginning to have an impact on the stability of successive national regimes. Abboud's attempt to allow the public into a controlled debate on the southern question backfired severely, and was the first step towards the downfall of his regime. It was the second time northern debate over the war in the south would bring down a post-colonial Sudanese government. The commission of inquiry's hearings at the University of Khartoum soon became a platform for more general anti-government speeches. Activists would argue that state failure in the south was inseparable from state failure throughout Sudan, particularly in keeping regime promises to restore democracy.[91] Groups of all political stripes banded together in common cause against the junta. The *coup de grace* that signalled the regime's end was a crippling nationwide strike, organized by the Sudanese Communist Party and various trade union members and academics.[92] Abboud resigned his office on 21 October 1964.[93]

It was hoped the experience of the caretaker premier, Sirr Al-Khatim Al-Khalifa, who had done ministerial work in the south, could end the current impasse.[94] His government was dependent on the radicals who had spearheaded the movement to overthrow the junta, and as a result it quickly became committed to radical causes

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[89] Mahmoud, "Businessmen and Politics," 14.
[90] Dunstan M. Wai. "Political Trends in the Sudan and the Future of the South." *The Southern Sudan: The Problem of National Integration.* Ed. Wai, Dunstan M. London: Frank Cass, 1973, 149. Muhammed, interview.
[91] Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 75. Muhammed, interview.
[92] Ahmed Hassan El Jack and Chris Leggett. "Industrial Relations and the Political Process". *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 26. Muhammed, interview.
[93] Albino, *The Sudan: A Southern Viewpoint*, 48.
[94] Woodward, *Sudan, 1898-1989: the Unstable State*, 110.

throughout Asia and Africa.[95] The reckless vigor with which the regime pursued its revolutionary objectives actually ended up strengthening the southern insurgency. By 1965, the Anya Nya rebels had captured a major stockpile of weapons, inadvertently delivered to them by the Sudanese government itself, which had been part of an operation to supply the Simba insurgency in the Congo. With the defeat of the Simba rebels, even more weapons became available as former insurgents sold them to the Anya Nya or bartered for food. The Anya Nya were also receiving assistance from the Congolese (Zairian) government.[96]

By early 1965, it became apparent that more direct action needed to be taken to address the political elements of the southern problem. As southern parliamentarians had confounded Abdullah Khalifa's attempts to sidestep southern grievances and southern guerrillas had succeeded in draining the legitimacy of the Abboud junta, it became apparent that the south had the capacity to destroy the longevity of any regime, whether parliamentary or military. Therefore, the caretaker government proposed a conference to be held in Khartoum between the government and southern opposition groups that would become known as the Round Table Conference. Al-Khalifa's past experience with the south gave him a credibility no post-independence leader yet had earned there, and East African governments such as Kenya urged the exiled political groups to overcome their suspicions and attend the conference in March 1965.[97]

Most of the debate at the conference concerned various models of federalism and southern autonomy. The two sides made a secret agreement to exclude the two extremes of separation and the status quo, but there was still little common ground.[98] The Anya Nya, whose forces had not been directly involved in the negotiations, continued to use the relative leniency of post-Abboud security in the south to bolster

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[95] Mohammed Beshir Hamid. "Devolution and National Integration in the Southern Sudan." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset, UK: Gower Publishing, 1986, 165.

[96] Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 136. Hamid, "Devolution and National Integration in the Southern Sudan," 166. Albino, *The Sudan: A Southern Viewpoint*, 62. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 142. Dunstan M. Wai. *The African-Arab Conflict in the Sudan.* Teaneck, New Jersey: Holmes & Meier Publishers Inc, 1981, 123-124.

[97] Mahmoud, "Businessmen and Politics," 14. Beshir, *The Southern Sudan: From Conflict to Peace*, 6-7.

[98] El Obeid, *Political Consequences of the Addis Ababa Agreement*, 87. Hamid, "Aspects of Sudanese Foreign Policy," 129.

their own presence there. Hamid's apt assessment is that 'as Anya Nya gained strength, moderate politicians lost it.'[99] Lagu writes that the recently formed Anya Nya did not take the conference seriously, particularly after the substantial amount of weaponry it had received from the Congo rebels.[100] Additionally, the end of spring 1965 had ushered in a conservative coalition bent on pursuing a military solution.[101] Consequently if the goal of the Round Table Conference was to reach a peace settlement, it was a failure. Sidahmed believes the reasons for this were two-fold in that first, 'northerners and southerners were still too far apart in their ideas of what a solution should be', and second, 'no southern party had sufficient control over the Anya Nya – the forces on the ground'.[102]

THE SECOND PARLIAMENTARY PERIOD: 1964-1969

The second parliamentary era was the height of conservative northern nationalism and saw a subsequent escalation of the war against southern insurgents. Umma's Mohammed Ahmed Maghoub won the premiership in June 1965 and immediately gave southern rebels fifteen days to surrender. After that time the army was ordered to 'deal firmly' with resistance, which inaugurated one of the bloodiest periods of the war.[103] Maghoub also called off any reconvening of the Round Table Conference until there was peace in the south.[104]

The government's attitude became somewhat more moderate in mid-1966 with the ascension to the premiership of Sadiq Al-Mahdi, a Western-educated grandson of neo-Mahdist Sayyid Abd Al-Rahman. When the twelve-man committee released its

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[99] Hamid, "Aspects of Sudanese Foreign Policy," 129.
[100] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 124.
[101] Hamid, "Devolution and National Integration in the Southern Sudan," 168.
[102] Sidahmed, *Politics and Islam in Contemporary Sudan*, 85.
[103] Deng, *War of Visions: Conflict of Identities in the Sudan*, 142. Eprile, *War and Peace in the Sudan 1955-1972*, 21. Elias Nyamlel Wakoson. "The Southern Sudan: the Political Leadership of the Anya-Nya Movement." *Post-Independence Sudan.* Ed. C. Allen. Edinburgh, University of Edinburgh, 1981, 101. Ahmed Alawad Sikainga. "Northern Sudanese political parties and the civil war." *Civil War in The Sudan.* Eds. Daly, M.W. and Ahmad Alawad Sikainga. London: British Academic Press, 1993, 82. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 41. Robert O. Collins. "Civil Wars in the Sudan." *History Compass* 5:6 (2007), 1781. Arou, "Devolution and the Southern Problem in the Sudan," 126. Mohammed Beshir Hamid and John Howell. "Sudan and the Outside World, 1964-1968." *African Affairs* 273 (October 1969), 308. Government massacres of civilians in Juba and Wau during the month of July 1965 were well publicized and ran into the hundreds.
[104] Gurdon, *Sudan at the Crossroads*, 17.

report in September 1966, he described it as 'the only serious task done during the last eight months that deserves being proud of'.[105] The committee reported that a centralized unitary government would not serve Sudan's national interests. The recommendations were welcome in the south, but nationalist pressure was on the government to shelve these recommendations even after their endorsement by all Sudanese political parties. In 1967, the drive for an Islamic constitution in the north was strong, and not conducive to southern accommodation. Likewise, the drive for separation among southerners grew louder after the 1965 conference had stalled.[106] Mass killings in the south followed, making a peaceful solution unrealistic until the May Revolution of 1969.[107]

In any case, the government's top priority was the drafting of a permanent constitution – a long-time northern nationalist objective that Sudan still had not implemented. As a result the government decided to hold elections, including in the 36 southern constituencies where elections had not been held in 1965. While SANU participated, the Southern Front boycotted the elections on the grounds that it was impossible to hold them while the state of emergency existed. They argued that elections should be held after an agreement had been reached regarding a new constitution.[108] Al-Mahdi was defeated by Maghoub, who became Prime Minister again in May 1967.[109] A draft constitution was presented in January 1968 that had heavy Islamist overtones and allowed for a strong presidency, a development many critics branded as having the potential for an elected dictatorship.[110] The document would remain a point of contention until the May Revolution of 1969.

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[105] Beshir, *The Southern Sudan: From Conflict to Peace*, 17.
[106] Eprile, *War and Peace in the Sudan 1955-1972*, 146. El-Zain, "Articulation of Cultural Discourses and Political Dominance in Sudan," 3. Oluwadare Aguda. "Arabism and Pan-Arabism in Sudanese Politics." *The Journal of Modern African Studies* 11:2 (1973), 187-188.
[107] Warburg, *Islam, Nationalism and Communism in a Traditional Society*, 155. Eprile, *War and Peace in the Sudan 1955-1972*, 49. A 1967 report quoted southern fatalities from the war between 1963 and 1966 at more than half a million. A UN report concurred in early 1971.
[108] Beshir, *The Southern Sudan: From Conflict to Peace*, 31.
[109] Beshir, *The Southern Sudan: From Conflict to Peace*, 32. Albino, *The Sudan: A Southern Viewpoint*, 66. Hamid and Howell "Sudan and the Outside World, 1964-1968," 309. Deng, "Green is the Color of the Masters: The Legacy of Slavery and the Crisis of National Identity in Modern Sudan," 36.
[110] Woodward, *Sudan, 1898-1989: the Unstable State*, 115-116. Ali Suliman Fadlalla. "The Search for a Constitution." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 44-45. Interview by the author with Douglas Johnson, Oxford, 16 December 2007. Abdelmoula, "An Ideology of Domination and the Domination of an Ideology." The constitution also insisted on Arabic as the official state language.

By 1969, Sudan was in an economically devastated position. Foreign aid had dried up after the 1967 Arab-Israeli war, and the foreign debt from the mid-1960s on had doubled.[111] In May 1969, a group of middle-ranking officers staged Sudan's second *coup d'état.*

EARLY CHALLENGES TO THE MAY REGIME: 1969-1971

Prior to its attempts at negotiation with the Anya Nya, the May Revolution sought to establish itself as a nationalist regime. The objective was to unite the early nationalism of the post-independence era with the revolutionary atmosphere that had surrounded the 1964 October Revolution. The leftist-military alliance that had defined the movement was based not on a shared set of socialist principles, but was instead a marriage of convenience.[112] The new military leader, Colonel Jaafar Al-Nimeiri, had recently served a year in Equatoria and was familiar with the southern situation.[113] On 9 June 1969, after many meetings of the new regime's Revolutionary Command Council and the Council of Ministers, a policy for the south was announced. The statement recognized the existence of a southern problem, the cultural and historical differences of the north and south, the rights of southerners to develop their own cultures and traditions and, most importantly, their rights to regional self-government. The council laid down a six-point program for revitalizing the south.[114]

As the government in Khartoum began consolidating itself, so too did the southern rebel movement. In 1970 most southern rebel factions dissolved and reformed as the Southern Sudan Liberation Movement, with the Anya Nya as its military wing,

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[111] Mahmoud, "Businessmen and Politics," 14.
[112] Mansour Khalid. *Nimeiri and the Revolution of Dis-may.* London: Kegan Paul International, 1985, 16. Najmal Abdin. "Administrative Reform, 1956-1981." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 86.
[113] Hizkias Assefa. *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict.* Boulder, Colorado: Westview Press, 1987, 162. Nimeiri had served in the south from November 1966 to December 1967.
[114] *President General Nimeiry's Policy Statement On The Southern Question, 9 July 1969.* Lobban, interview. Abel Alier, "The Southern Sudan Question," 26. The six-point program: 'A) Continue and extend an amnesty law for the Torit Mutiny passed in 1967. B) Economic, social and cultural development of the south. C) Appointment of a minister of southern affairs D) Training of personnel to help in southern administration E) Creation of a special economic planning board F) A special budget for the south.'

creating the region's most effective insurgent organization to date.[115] This union allowed the militias to improve administration and security in rural areas, and soon Anya Nya affiliates began attending to aspects of life that had up to then been neglected during the war, especially services such as education.[116]

The first challenge to the May Regime came from a sectarian faction: the regime was the first yet to exist in post-colonial Sudan with no sectarian support. To counter the threat the traditional factions posed, Nimeiri launched a March 1970 campaign against the Ansar, the warrior caste of the *Mahdiyya*, still Sudan's most powerful sectarian faction, as well as the Imam then heading that movement.[117] Communists affiliated with the regime opposed what they viewed as Nimeiri's quick resort to violence in suppressing the uneducated peasants who made up that religious order, but blamed conservatives and traditional figures for obstructing the possibility of a peace proposal.[118] By the end of 1970, new schisms were starting to appear in the leftist-military alliance. The Sudan Communist Party's Central Committee, part of which had refused Nimeiri's request that it dissolve itself and join the May Regime, accused the government of attempting to slow down the fulfillment of its promises.[119] In October-November 1970, Nimeiri dismissed three communist affiliates in the Revolutionary Council of Ministers, announcing they had 'stabbed (the regime) in the back'.[120] By February 1971, open hostilities appeared between the May Regime and all factions of the Sudanese Communist Party, which Nimeiri vowed to 'crush and

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[115] Eprile, *War and Peace in the Sudan 1955-1972*, 95. Beshir, *The Southern Sudan: From Conflict to Peace*, 63, 65-66. Wai, *The African-Arab Conflict in the Sudan*, 149.

[116] Eprile, *War and Peace in the Sudan 1955-1972*, 100. Benaiah Yongo-Bure. "Peace Dividend and the Millennium Development Goals in Southern Sudan." Bremen: Institute for World Economics and International Management, 2005, 109. Daly, "Broken bridge and empty basket," 5. Deng, *War of Visions: Conflict of Identities in the Sudan*, 16.

[117] El Obeid, *Political Consequences of the Addis Ababa Agreement*, 114. Bona Malwal. *The Sudan: A Second Challenge to Nationhood.* New York: Thorton Books, 1985, 13. Daly, "Broken bridge and empty basket," 5. Deng, *War of Visions: Conflict of Identities in the Sudan*, 17. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 32.

[118] Warburg, *Islam, Nationalism and Communism in a Traditional Society*, 126. Dunstan M. Wai. "The Sudan: Domestic Politics and Foreign Relations under Nimeiry." *African Affairs* 78:312 (July 1979), 304.

[119] Warburg, *Islam, Nationalism and Communism in a Traditional Society*, 138, 159.

[120] Daly, "Broken bridge and empty basket," 5. Deng, *War of Visions: Conflict of Identities in the Sudan*, 18. Aguda, "Arabism and Pan-Arabism in Sudanese Politics," 197. Abdelmoula, "An Ideology of Domination and the Domination of an Ideology." El Obeid, *Political Consequences of the Addis Ababa Agreement*, 116. One of the dismissed officers, Colonel Hash Al-Atta, would later lead the July 1971 *coup* attempt against Nimeiri.

destroy'.[121] By April 1971 most communist leaders had been dismissed, and some imprisoned.[122]

An attempted *coup* against Nimeiri came in July 1971, organized by army officers with connections to the Communist Party.[123] After armed forces loyal to Nimeiri launched a counterattack three days later, the president was restored to power.[124] By August, Nimeiri had launched a massive purge of communists in Sudan, arresting hundreds.[125] The Communist Party would never again have such influence in Sudan as it did in the early May Regime.

SETTING THE STAGE FOR A PEACE SETTLEMENT

Resolution of the first civil war was a product of regime insecurity. By August 1971, Nimeiri was in a radically different position than he had been at any time since taking control of the government away from the politicians. His regime had no factional base of power left without the small but well-organized Communist Party, yet he was riding a wave of enormous popular support after putting down an extremely unpopular *coup* and ending traditional party bickering. He was elected president in a plebiscite on 12 October 1971 and soon after appointed three southerners as commissioners of the three southern provinces, increasing his popularity greatly throughout that region.[126] With no communists to accommodate in his cabinet, he had fewer obstacles towards crafting a mutual peace initiative with the southern rebels.

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[121] Eprile, *War and Peace in the Sudan 1955-1972*, 127.

[122] Wai, *The African-Arab Conflict in the Sudan*, 149. Warburg, *Islam, Nationalism and Communism in a Traditional Society*, 129. 'The remaining party began opposing even Nimeiri initiatives it would otherwise support, just as a matter of principle.'

[123] Johnson, interview. Lobban, interview. Malwal, *The Sudan: A Second Challenge to Nationhood*, 13. Mohammed O. I. Maundi, William Zartman, Gilbert M. Khadiagala and Kwaku Nuamah. *Getting In: Mediators' Entry into the Settlement of African Conflicts.* Washington: United States Institute of Peace, 2006, 125. Wai, *The African-Arab Conflict in the Sudan*, 148.

[124] Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 142. Mahmoud, "Businessmen and Politics," 15-16.

[125] Lobban, interview. Eprile, *War and Peace in the Sudan 1955-1972*, 125. The SCP, before August 1971, was estimated to number between 30,000 and 50,000 members. The Sudanese government insisted it was closer to 10,000.

[126] Gurdon, *Sudan at the Crossroads*, 29. Mansour Khalid. *The Government They Deserve.* London: Kegan Paul International, 1990, 276. Aguda, "Arabism and Pan-Arabism in Sudanese Politics," 198. Daly, "Broken bridge and empty basket," 5. Deng, *War of Visions: Conflict of Identities in the Sudan*, 18. Malwal, *The Sudan: A Second Challenge to Nationhood*, 15. Dunstan M. Wai. "Revolution, Rhetoric, and Reality in the Sudan." *The Journal of Modern African Studies* 17:1 (1979), 84. Wai notes that Nimeiri won 98% of the vote in the plebiscite, but that less than 20% of the Sudanese population actually participated.

The 'breakthrough' that would pave the way for a peace settlement came in July 1971 with the appointment of Abel Alier as Minister for Southern Affairs.[127] Unlike his predecessor, Joseph Garang (whom Nimeiri had arrested and later executed for his association with the July 1971 *coup* leaders), Alier had a good reputation in the south, having been a member of the Southern Front during the parliamentary regime of the 1960s.[128]

Alier's appointment had been preceded by a series of smaller initiatives that would later instill confidence in both sides. In January 1971, a conference on southern economic and social development held in Juba and attended by leading cabinet ministers and civil servants was a successful first step in bringing together northern and southern Sudanese intellectuals.[129] On 7 March 1971, 'secret diplomatic exchanges' were reported in London between Sudanese government officials and Anya Nya contacts. In April 1971, Sudan's new United Nations ambassador, Mansour Khalid, told a UN press conference that Sudan was on the verge of starting a dialogue with the dominant southern insurgent group.[130] Progress towards that goal was stalled during the attempted *coup d'état* and its aftermath, but talks resumed in August 1971 and by the end of the year the dialogue was ready to enter a formal stage.[131]

Nimeiri's break with the communists allowed him to solidify relations between the institutions which would become crucial to the success of the Addis Ababa Agreement: the World Council of Churches/All Africa Council of Churches and the Emperor of Ethiopia, Haile Selassie.[132] A joint mission of the WCC and the AACC had visited Sudan in May 1971 to petition the government to allow WCC/AACC aid

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[127] Beshir, *The Southern Sudan: From Conflict to Peace*, 99. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 270-271. Nelson Kasfir. "Sudan's Addis Ababa Treaty: Intraorganizational Factors in the Politics of Compromise." *Post-Independence Sudan.* Ed. C. Allen. Edinburgh, University of Edinburgh, 1981, 148.
[128] Wai, "The Sudan: Domestic Politics and Foreign Relations under Nimeiry," 305. Lobban, interview. Johnson, *The Root Causes of Sudan's Civil Wars*, 34. Malwal, *The Sudan: A Second Challenge to Nationhood*, 12, 15.
[129] Beshir, *The Southern Sudan: From Conflict to Peace*, 83.
[130] Eprile, *War and Peace in the Sudan 1955-1972*, 147.
[131] Warburg, *Islam, Nationalism and Communism in a Traditional Society*, 160.
[132] Hamid, "Aspects of Sudanese Foreign Policy," 130. Johnson, interview.

to the south to pass through Khartoum.[133] It was during this trip that the organization offered to mediate between the parties to the conflict. In October 1971, the WCC/AACC informed Khartoum that the SSLM had accepted that a peace treaty be framed along the government's non-negotiable condition that it take place within the context of a united Sudan.[134]

Relations between Ethiopia and post-colonial Sudan had traditionally been contentious, mainly over a disputed border and support for each other's respective separatist movements. In 1971, Khartoum and Addis Ababa began to resolve their grievances with each other. An agreement signed in March 1971 by the Sudanese and Ethiopian Ministers of Foreign Affairs to cease supporting each other's separatist factions was a turning point in the bilateral relationship between the states.[135] At the start of November 1971, new groundwork was laid for peace negotiations during Nimeiri's first state visit to Ethiopia. After Nimeiri departed Addis Ababa, secret talks continued between a delegation led by Alier and an Anya Nya representative.[136]

The agreement was signed and formally ratified one month after its conclusion, on 27 March 1972 by Anya Nya leader Joseph Lagu and Sudanese Foreign Minister Mansour Khalid. The formal law, *The Southern Provinces Regional Self-Government Act*, came into force on 3 March 1972.[137]

THE ADDIS ABABA AGREEMENT

Under the agreement, the provinces of Bahr Al-Ghazal, the Upper Nile and Equatoria constituted a self-governing unit within the republic, referred to collectively as the

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[133] Arou, "Devolution and the Southern Problem in the Sudan," 130. Kasfir, "Sudan's Addis Ababa Treaty: Intraorganizational Factors in the Politics of Compromise," 147. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 117.

[134] Eprile, *War and Peace in the Sudan 1955-1972*, 148. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 247. Kasfir, "Sudan's Addis Ababa Treaty: Intraorganizational Factors in the Politics of Compromise," 148.

[135] Beshir, *The Southern Sudan: From Conflict to Peace*, 83. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 159. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 116.

[136] Eprile, *War and Peace in the Sudan 1955-1972*, 148. Wai, *The African-Arab Conflict in the Sudan*, 154.

[137] Eprile, *War and Peace in the Sudan 1955-1972*, 151. Christopher R. Mitchell. "Conflict Resolution and Civil War: Reflections on the Sudanese Settlement of 1972." Center for Conflict Analysis and Resolution. George Mason University, Washington DC. August 1989, 8. Wai, *The African-Arab Conflict in the Sudan*, 161. Kasfir, "Sudan's Addis Ababa Treaty: Intraorganizational Factors in the Politics of Compromise," 148.

Southern Region.[138] The three provinces remained part of the whole Sudan: accordingly, the term of 'federalism' was removed, the fears of separatism were allayed.[139] The wishes of southerners were met by giving them their own executive and legislative agencies, the High Executive Council and the People's Regional Assembly. The entire agreement became a law that could not be amended except by a three-quarters majority of the People's National Assembly and a two-thirds majority in a referendum held in the south.[140] The People's Regional Assembly was given the power to legislate for the preservation of public order, internal security, administration and the development of the Southern Region.[141] Parents under the Addis Ababa Agreement were assured a right to choose the manner of their children's education, allaying the fears of church groups.[142]

The Addis Ababa Agreement stipulated that southern representation in the national army would be in proportion to the population of the south. Use of the armed forces fell under the domain of the President of the Republic.[143] On the occasion of the promulgation of the law, Nimeiri highlighted sections concerning the armed forces and language, both areas in which he stressed his advocacy for northern concerns that the primacy of Arabic as a national language should in some way be recognized and the integrity of the military should not be compromised.[144]

Nimeiri's own role in the crafting of the Addis Ababa Agreement was limited, but he relied on capable mediators such as Alier and Khalid. Nimeiri now had strong

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[138] *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of the Sudan*, Article 4.
[139] Beshir, *The Southern Sudan: From Conflict to Peace*, 110.
[140] *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of the Sudan*, Article 2.
[141] *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of the Sudan*, Article 11. Eprile, *War and Peace in the Sudan 1955-1972*, 152. The law permitted freedoms of movement and personal liberty, as well as equality in areas such as education and trade. In addition, freedom of religion and of minority peoples to use their own languages was also assured. Woodward, *Sudan, 1898-1989: the Unstable State*, 142. The People's Regional Assembly had 60, later 100 members popularly elected in the framework of one party, the Sudan Socialist Union, which would now be introduced to the south.
[142] Beshir, *The Southern Sudan: From Conflict to Peace*, 111. Eprile, *War and Peace in the Sudan 1955-1972*, 156. Minister Mansour Khalid visited Pope Paul VI in November 1971 and the Vatican would announce that it had reached an agreement with Sudan to establish full diplomatic relations. Slowly, missionaries began returning to southern Sudan.
[143] *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of the Sudan*, Article 7i. Beshir, *The Southern Sudan: From Conflict to Peace*, 117.
[144] Deng, *War of Visions: Conflict of Identities in the Sudan*, 157.

support from the south, a third of Sudan's population, giving him a backing no Sudanese leader had enjoyed since independence.[145] After the Addis Ababa Agreement, the May Regime looked more secure and stable than any government Sudan had had in the past, with southerners for the first time since independence expressing a level of confidence in the national government. In discussions with Cecil Eprile in early 1972, Lagu and other southerners said they would rather have dealings with Colonel Nimeiri than any other northern leader.[146] In 1973, the Addis Ababa Agreement was enshrined in the first permanent constitution as Article Eight, stipulating regional autonomy for the south within a united Sudan. By the end of June 1972, administration of the Southern Region was fully in the hands of the southerners.[147]

THE SOUTHERN REGION: 1972-1974

In a sense, the constant patron-client relationship that had historically defined Sudanese politics reasserted itself in the 1970s, as there was no way the Addis Ababa Agreement could be mistaken for a 'bottom up' solution involving all elements of Sudanese society. Instead the AAA was an accommodation made by an authoritarian government with a narrow power base towards a faction which could not be subdued by conquest. Nimeiri's unprecedented acquiescence to southern self-government was novel enough to seem a break away from the patron-client pattern which defined Sudan in colonial times, but the next decade would reveal that the agreement was simply a further progression of this relationship.

In April 1972 Abel Alier was made president of the High Executive Council, running regional affairs for 18 months before the November 1973 elections scheduled for the Regional Assembly.[148] Nimeiri renominated Alier before the elections, ensuring that

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[145] Woodward, *Sudan, 1898-1989: the Unstable State*, 144.
[146] Eprile, *War and Peace in the Sudan 1955-1972*, 136, 158. Nimeiri was widely admired in the south following the AAA, with no less a figure than Joseph Lagu referring to him as 'our hero'. Francis Mading Deng, *Africans of Two Worlds: The Dinka in Afro-Arab Sudan.* New Haven, Connecticut: Yale University Press, 1978, 171-172. Other chiefs ascribe to Nimeiri supernatural abilities for ending the war between north and south.
[147] Beshir, *The Southern Sudan: From Conflict to Peace,* 112.
[148] *Addis Ababa Agreement: Protocols On Interim Arrangements*, Chapter I, Article 7.

is candidate would run unopposed even before the assembly had made its choice.[149] This incident was the first of an increasing amount of unauthorized interventions by Nimeiri into the politics of the Southern Region. However, because of Alier's critical role in bringing peace to the south the choice was initially, if often grudgingly, tolerated by most parties.[150]

The limits of autonomy under the AAA soon became apparent, as the regional government had no authority over foreign policy, defense or development.[151] Even in areas where it had authority to act, such as to ensure law and order in the south, the regional legislature fell short.[152] Despite its imperfections, regional government became extremely popular in the south, with some leading southern politicians even seeking to stand for regional assembly elections in Juba rather than for the national assembly in Khartoum.[153] Yet the south would come to Nimeiri's support throughout the 1970s when he was feeling pressured by more conservative northern factions, becoming to some degree a safeguard of his regime. The AAA was not popular with the northern sectarian elements Nimeiri had upstaged in 1969, who subsequently formed an opposition exile group called the National Front.

THE 1975 AND 1976 COUP ATTEMPTS AND THE 1977 NATIONAL RECONCILIATION

The first major post-Addis Ababa challenge to Nimeiri's rule occurred on 5 September 1975, when the army headquarters and radio stations were taken over by rebels, with possible Muslim Brothers backing.[154] While the attempted *coup d'état*

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[149] Mohammed Beshir Hamid. "Aspects of Sudanese Foreign Policy: 'Splendid Isolation', Radicalisation and 'Finlandisation'." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986. 136. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 292. Malwal, *The Sudan: A Second Challenge to Nationhood*, 29. Elias Nyamlel Wakoson. "The politics of Southern self-government 1972-1983." *Civil War in The Sudan.* Eds. Daly, M.W. and Ahmad Alawad Sikainga. London: British Academic Press, 1993, 40. Wai, *The African-Arab Conflict in the Sudan*, 173.

[150] Taisier M. Ali, Robert O. Matthews and Ian Spears. "Failures in Peacebuilding: Sudan (1972-1983) and Angola (1991-1998)." *Durable Peace: Challenges for Peacebuilding in Africa.* Toronto: University of Toronto Press Incorporated, 2004, 292. Johnson, *The Root Causes of Sudan's Civil Wars*, 42. Alier would eventually come to be seen by some southerners, especially Equatorians, as too deferential to the national government at the expense of the south.

[151] *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of the Sudan*, Article 7i, 7ii, and 7viii. Euler, "Human Rights in Sudan," 21.

[152] Euler, "Human Rights in Sudan," 21.

[153] Hamid, "Aspects of Sudanese Foreign Policy," 133-137.

[154] Khalid, *Nimeiri and the Revolution of Dis-may*, 143.

was unsuccessful, Nimeiri passed amendments to enhance executive power to prevent the success of similar efforts in the future.[155]

The attempted military takeover of 1975 may have been an impetus for Nimeiri's further autocracy and devolution, but the 1976 *coup* attempt was almost certainly a motivating factor in Nimeiri's reconciliation with conservative and radical Islamist factions. Exiled sectarians Sharif Hussein Al-Hindi and former Prime Minister Sadiq Al-Mahdi of the National Front backed the 2 July 1976 effort.[156] Ethiopia, Libya, the Soviet Union and the Muslim Brothers were also involved.[157] However, a crucial weakness in the conspirators' plan was their underestimation of the reliability of the south, which supported Nimeiri yet again.[158] It was during the chaos of this attempted *putsch*, an attack on the president's plane, that broadcasts from radio stations in Juba alerted the rest of Sudan and the world that Nimeiri had escaped an assassination attempt and, critically, had the backing of both the Sudanese army and Egypt.[159]

Despite having survived two *coup* attempts, Nimeiri now realized that the National Front had enough backing and commitment that it would be almost impossible to completely destroy. Instead, he opted to negotiate with it in 1977. In the National Reconciliation that year, some Sudanese opposition leaders agreed to accept the basic achievements of the revolution, and Nimeiri in return promised them a role in the national government. Nimeiri was able to form a brief but vital alliance with Sadiq Al-Mahdi, even coaxing an agreement from the former Prime Minister that Sudan was not yet ready for multi-party democracy, as factionalism opened the door to foreign intrigue in Sudan.[160]

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[155] Fadlalla, "The Search for a Constitution," 47. Peter Nyot Kok. *Governance and Conflict in the Sudan 1985-1995: Analysis, Evaluation and Documentation.* Berlin: Deutsches Orient Institut, 1996, 127.
[156] Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 86. Ali, Matthews and Spears, "Failures in Peacebuilding: Sudan (1972-1983) and Angola (1991-1998)," 292. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 350.
[157] Gurdon, *Sudan at the Crossroads*, 44. National Front-supported guerrillas infiltrated Sudan from the southern Libyan oasis of Kufra. Hamid, "Devolution and National Integration in the Southern Sudan," 170. Khalid, *Nimeiri and the Revolution of Dis-may*, 150-151.
[158] Johnson, *The Root Causes of Sudan's Civil Wars*, 55. Arop Madut-Arop. *Sudan's Painful Road to Peace: A Full Story of the Founding and Development of the SPLM/SPLA*. Charleston, South Carolina: Booksurge, 2006.40.
[159] Johnson, *The Root Causes of Sudan's Civil Wars*, 55. Khalid, *Nimeiri and the Revolution of Dis-may*, 151. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 539.
[160] Khalid, *Nimeiri and the Revolution of Dis-may*, 171. Gurdon, *Sudan at the Crossroads*, 46. Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 86, 88. Woodward, "Military-Civilian Relations," 56.

Under the terms of National Reconciliation, the Muslim Brothers were allowed to return to active participation in national politics, yet could not operate publicly under their own name, or as a separate political party.[161] Sudan's leading revolutionary Islamist, Hassan Al-Turabi, accordingly disbanded his organization and vowed that the Islamist movement would from then on work within the context of the Sudan Socialist Union, the only legal party under the May Regime.[162] Through their transformation from exiles to public servants, small cadres of Islamists were able to set up an underground infrastructure without drawing attention from normally wary elements of Sudanese society. They began a slow process of infiltrating crucial positions in the military, the security apparatus, and the police force.[163]

NATIONAL REGIONALIZATION AND THE REDIVISION OF THE SOUTH

The neglect paid by the national government to the Southern Region constrained its effectiveness. The years following the AAA did not see an increasingly strident southern nationalism, but instead a reversion to factionalism. To implement autonomy in an area as large as southern Sudan – an area almost bereft of education, infrastructure, or any economic activity – required some level of national stability and commitment. Economic instability in the south only heightened southern discontent; by the mid-1970s, the labels SANU and Southern Front had been resurrected and southern enlisted men were occasionally rioting and deserting the army.[164] National economic woes and ethnic tensions in the region were by 1980 leading to repeated army mutinies and general lawlessness.[165]

Woodward, *Sudan, 1898-1989: the Unstable State*, 153. A disagreement by the two leaders over the necessity for reform would split their alliance in 1978, and Sadiq Al-Mahdi would renounce his Central Committee seat in the Sudan Socialist Union.

[161] Sidahmed, *Politics and Islam in Contemporary Sudan*, 201. Woodward, *Sudan, 1898-1989: the Unstable State*, 153.

[162] Sidahmed, *Politics and Islam in Contemporary Sudan*, 201.

[163] Sidahmed. *Politics and Islam in Contemporary Sudan*, 202. O'Fahey, interview. Sikainga, "Northern Sudanese political parties and the civil war," 87. Deng, *War of Visions: Conflict of Identities in the Sudan*, 464. Mohamed Elhachmi Hamdi. *The Making of an Islamic Political Leader: Conversations with Hasan al-Turabi.* London: Al-Mustakillah, 1996, 23. Kok, *Governance and Conflict in the Sudan 1985-1995*, 42-43.

[164] Woodward, *Sudan, 1898-1989: the Unstable State*, 145. Johnson, *The Root Causes of Sudan's Civil Wars*, 60, 62. Madut-Arop, *Sudan's Painful Road to Peace,* 29. Akolda M. Tier. "A Critical Comparative Analysis of the Processes of Resolving The Conflict in The Sudan." *United Nations Public Administrations Network.* Addis Ababa, 2002, 4.

[165] Kamal Osman Salih. "The Sudan, 1985-9: The Fading Democracy." *Sudan After Nimeiri*, Ed. Woodward, Peter. London: Routledge, 1991, 64.

As the Southern Region grew less stable, eventually its very viability was called into credit by national critics. Opponents of regional 'devolution' – the process by which Khartoum handed an increasing number of responsibilities to the southern administrators – said the area was already too regionalized, and smaller southern cities were already remote enough from the regional capital of Juba. Southern critics worried that too much regionalization nationally would dilute the power of a united south, and Nimeiri was already under pressure from his new northern partners after the National Reconciliation to dissolve the Southern Region.[166] He resolved instead by the late 1970s, to balance southern power by pushing for regionalization for the rest of the Sudan, replacing HEC president Abel Alier with Joseph Lagu in 1978.[167]

The southern autonomy had been so envied in other areas of Sudan that further regionalization efforts were inevitable. From 1978, the government began drawing up plans for the eventual Regional Government Act of 1980, which established five new regions in the north: Northern, Eastern, Central, Kordofan and Darfur.[168] Central government ministries were to be dramatically devolved, with the regions eventually providing all services except foreign affairs, defense, foreign trade, national facilities and mineral and natural resources.[169]

The increased factionalization of the south found a political rallying cry in the cause of re-dividing the Southern Region into the original three provinces. This cause was also championed by Nimeiri, who on 23 February 1981 came out officially in support of redivision at a Central Committee meeting of the SSU in Khartoum.[170] Opponents of redivision argued fruitlessly that this would negate the AAA, discrediting the constitution of which it was a part and destabilizing the national government.

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[166] Johnson, *The Root Causes of Sudan's Civil Wars*, 53.
[167] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 365. Malwal, *The Sudan: A Second Challenge to Nationhood*, 30. Gurdon, *Sudan at the Crossroads*, 61. Alier was not dismissed at this time, but asked to step down voluntarily by Nimeiri in order to ensure that the popular Lagu was elected unanimously and to spare Alier a humiliating defeat.
[168] Woodward, *Sudan, 1898-1989: the Unstable State*, 154. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 387.
[169] Woodward, *Sudan, 1898-1989: the Unstable State*, 154. Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 92.
[170] Khalid, *Nimeiri and the Revolution of Dis-may*, 236.

Nimeiri took control of the agenda again when in October 1981 he dissolved the Regional Assembly, finally dismissing Alier, a redivision opponent.[171]

The election went ahead as scheduled in April 1982 and ultimately gave the pro-divisionists, mainly small Equatorian tribes, a slight margin over the anti-divisionists, mainly the Dinka.[172] This development was to hasten the replacement of the Southern Region as established in 1972 with three regional governments on a par with those in the north. It was, therefore, the effective abrogation of the AAA. The three new regions were unveiled in June 1983, based on the three traditional provinces of the south.[173] After abolishing the assembly and other remnants of the Southern Region's political apparatus, Nimeiri declared that the area would be controlled temporarily from Khartoum, and then handed back to southerners after 18 months.[174] However, the constant series of interventions by Khartoum in southern affairs had now destroyed the faith of many southern politicians in Nimeiri's word. They no longer felt that the AAA was the basis of a relationship between them and the central government, even if Nimeiri continued to deny he had abrogated it.[175]

THE BOR MUTINY AND THE FORMATION OF THE SPLM/A

It was finally Nimeiri's repudiation of the military provisions of the AAA that began the second civil war. Prior to redivision, southern mutinies consisted mainly of disorganized bands of enlisted men, but by the early 1980s, contacts had been

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[171] Hamid, "Aspects of Sudanese Foreign Policy," 133. Woodward, *Sudan, 1898-1989: the Unstable State*, 159-160. Malwal, *The Sudan: A Second Challenge to Nationhood*, 32. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 395, 396. Khalid, *Nimeiri and the Revolution of Dis-may*, 235-236. Abdelwahab El-Affendi. "Discovering the South: Sudanese Dilemmas for Islam in Africa." *African Affairs* 89:356 (July 1990), 381. Wakoson, "The politics of Southern self-government 1972-1983," 42. Madut-Arop, *Sudan's Painful Road to Peace*, 32. Ali, Matthews and Spears, "Failures in Peacebuilding: Sudan (1972-1983) and Angola (1991-1998)," 292. An interim government led by Lagu ally General Gassim Allah Abdallah Rassas was to steer the south through elections and a referendum to decide the redivision issue. Khalid, *Nimeiri and the Revolution of Dis-may*, 236. Concerned about the now constant central intrusion into southern affairs, the region's High Executive Council on 22 December 1981 sent Nimeiri a memo complaining about his failure to pay heed to opposition among southern SSU and National Assembly members. Gurdon, *Sudan at the Crossroads*, 62. The 21 southern politicians formed an organization called the Council for the Unity of Southern Sudan, and were arrested in January 1982 for forming an alternative party to the SSU, an illegal act.

[172] Hamid, "Aspects of Sudanese Foreign Policy," 133. Gurdon, *Sudan at the Crossroads*, 62. Madut-Arop, *Sudan's Painful Road to Peace*, 34. Malwal, *The Sudan: A Second Challenge to Nationhood*, 33.

[173] Ali, Matthews and Spears, "Failures in Peacebuilding: Sudan (1972-1983) and Angola (1991-1998)," 293. Heraclides, "Janus or Sisyphus? The Southern Problem of the Sudan," 227. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 421.

[174] Khalid, *Nimeiri and the Revolution of Dis-may*, 238.

[175] Woodward, *Sudan, 1898-1989: the Unstable State*, 160.

established between this 'Anya Nya 2' confederation and southern army officers.[176] This early coordination of efforts would form the basis for a more sustained, disciplined insurgency than the state had yet endured.

In January 1983, Nimeiri decided to begin the rotation of units of southern soldiers in southern garrisons to the north, again in breach of the AAA.[177] About 1,000-2,000 soldiers at Bor, Pibor and Fashalla garrisons refused orders and began a concerted mutiny.[178] After months of standoff, Nimeiri ordered the National Army in Juba to attack the mutineers in May 1983, beginning the hostilities which would evolve into the second war.[179] By July 1983, about 2,500 soldiers had defected to a new guerrilla movement based just across the Ethiopian border, the Sudanese People's Liberation Army (SPLA). The SPLA was under the command of a Dinka former officer who had recently joined in the recent mutinies, Lieutenant Colonel John Garang.[180]

The SPLA was an entirely different movement from previous southern insurgencies. Unlike Anya Nya groups, it was neither separatist nor preoccupied with regional identity. It was instead a nationalist movement claiming to represent the *whole* of Sudan and intent on destroying the traditional, reactionary powers in Sudan which it

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[176] Khalid, *Nimeiri and the Revolution of Dis-may*, 284. Johnson, *The Root Causes of Sudan's Civil Wars*, 41, 60. Many of these elements had refused to integrate with their former enemy, the Sudanese army, as stipulated by the AAA. Instead they remained in the bush or went into exile in Ethiopia, returning in the 1980s to fight as Anya Nya 2. Madut-Arop, *Sudan's Painful Road to Peace,* 32. Madut-Arop chronicles that the cooperation of southern officers with Anya Nya forces predated the 1983 Bor Mutiny by years, highlighting in particular a plan for rebellion circulated among some officers in 1979.

[177] Robert O. Collins. "The Big Ditch: The Jonglei Canal Scheme." *Modernization in the Sudan.* Ed. M.W. Daly. New York: Lilian Barber Press, Inc, 1985, 145. *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of Sudan*, article 27ii. This article noted that the National President must accept advice from the HEC president on the use of armed forces in the southern region, a term already violated as Nimeiri had earlier suspended that regional position.

[178] Ali, Matthews and Spears, "Failures in Peacebuilding: Sudan (1972-1983) and Angola (1991-1998)," 287. Daly, "Broken bridge and empty basket," 5. Deng, *War of Visions: Conflict of Identities in the Sudan*, 2. Barnaba Marial Benjamin. "The Sudan People's Liberation Movement/Army and the Peace Process," *The Sudan Peace Process: Challenges and Future Prospects*, Ed. John G. Nyuot Yoh and Eddy Maloka. East Lansing, Michigan: Michigan State University Press, 2005, 45. Madut-Arop, *Sudan's Painful Road to Peace,* 46. Khalid, *Nimeiri and the Revolution of Dis-may*, 284.

[179] Douglas H. Johnson and Gerard Prunier. "The Foundation and Expansion of the Sudan People's Liberation Army." *Civil War in The Sudan.* Eds. Daly, M.W. and Ahmad Alawad Sikainga. London: British Academic Press, 1993, 124. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 417. Madut-Arop, *Sudan's Painful Road to Peace,* 52.

[180] Taban Lo Liyong. "South-South Sudanese Dialogue," *The Sudan Peace Process: Challenges and Future Prospects*, ed. John G. Nyuot Yoh and Eddy Maloka. East Lansing, Michigan: Michigan State University Press, 2005, 145. Johnson, *The Root Causes of Sudan's Civil Wars*, 62. Khalid, *Nimeiri and the Revolution of Dis-may*, 284. Johnson and Prunier, "The Foundation and Expansion of the Sudan People's Liberation Army," 125. Abdelwahab El-Affendi. "The Impasse in the IGAD Peace Process for Sudan: The Limits of Regional Peacemaking?" *African Affairs* 100 (2001), 584.

believed had constantly reasserted themselves in Khartoum by oppressing marginalized peoples – southerners in particular, but not exclusively.[181] The Southern People's Liberation Movement, the political wing of the SPLA, seemed determined to transcend its southern origins in part as a practical consideration.

THE 1983 'SEPTEMBER LAWS' AND THE FALL OF NIMEIRI

Shortly before the collapse of Nimeiri's regime, political Islam saw its debut as a political weapon of the state. In September 1983, Nimeiri issued a new penal code which included the five canonical Islamic punishments as national law. He declared that this was the first step towards total Islamization of the Sudanese political and legal system, a move that 'ensured the Bor mutiny became a full scale revolt'.[182] To Nimeiri, southern stability was a necessary sacrifice for what he saw as a crucial move for power consolidation. However, while his rule became increasingly authoritarian, he had become increasingly irrelevant and incapable of controlling events in Sudan. Mismanagement of food production throughout the previous decade finally wrought devastation throughout 1984 and 1985, when the worst famine in a century hit Sudan.[183] Nimeiri was powerless to stop it or the opposition to his rule that it fostered.

Nimeiri seemed oblivious to the growing hostility towards him, and felt secure enough in position as president to leave the country in March 1985 for a medical check-up in the United States and talks with the US government.[184] In his absence, massive, broad-based demonstrations took place against the latest round of price hikes the government had implemented on basic commodities. Unlike during previous demonstrations in 1982, the army would not resort to violence this time in dispersing the crowds, which represented a broad array of Sudanese society. When

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[181] Sidahmed, *Politics and Islam in Contemporary Sudan*, 159. International Crisis Group. *God, Oil and Country: Changing the Logic of War in Sudan.* 10 January 2002, 109. Madut-Arop, *Sudan's Painful Road to Peace,* 190.

[182] Sidahmed, *Politics and Islam in Contemporary Sudan*, 159. Ali, Matthews and Spears, "Failures in Peacebuilding: Sudan (1972-1983) and Angola (1991-1998)," 293. O'Fahey, interview. Madut-Arop, *Sudan's Painful Road to Peace,* 57.

[183] Woodward, *Sudan, 1898-1989: the Unstable State*, 161.

[184] Salih, "The Sudan, 1985-9: The Fading Democracy," 47. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 443.

the SSU counter-demonstrations turned out to be comparatively weak, the army stepped in and took over the government.[185] Nimeiri's rule ended on 6 April 1985.[186]

THE TRANSITIONAL MILITARY COUNCIL OF 1985-1986

The army's role in removing Nimeiri from power stemmed not from a desire to end the burgeoning new conflict in the south, but at least partly from its instinct for self-preservation. Senior officers, led by Defense Minister Siwar Al-Dhahab, feared another ideological *coup* by their subordinates as had taken place in 1969 and decided to remove Nimeiri themselves.[187] In 1985, much of the military establishment still retained some detachment from the political leadership in Sudan and as a result did not attach itself to any one ideological power center in Sudan. The military opted instead to serve as a stewardship back to civilian democratic rule, declaring that they would only hand over power to an elected government.[188]

The new regime was called the Transitional Military Council (TMC), and it appealed to the SPLM/A to join the government and seek a peaceful, democratic solution to the south's problem. However, it was unwilling to accept the SPLM as a national party, or to accept its agenda to reconstruct the entire state according to its secular ideal.[189] As a result, Garang described the post-Nimeiri government as no more than the old regime in disguise, noting that many TMC members had been in Nimeiri's government. General Al-Dhahab himself had been in charge of military operations in the south.[190] Garang urged the Sudanese people to demonstrate and riot until a civilian government free of military or Islamist influence had assumed power.[191]

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[185] Woodward, "Military-Civilian Relations," 63.
[186] Salih, "The Sudan, 1985-9: The Fading Democracy," 47.
[187] Woodward, "Military-Civilian Relations," 72. Jack Kalpakian. "War Over Identity: the case of Sudan." *Big African States.* Eds. Clapham, Christopher, Jeffrey Herbst and Greg Mills. Johanesburg: Wits University Press, 2006, 48.
[188] Woodward, "Military-Civilian Relations," 72. Sidahmed, *Politics and Islam in Contemporary Sudan*, 144-145, 147. Woodward, *Sudan, 1898-1989: the Unstable State*, 202.
[189] "The Sudan-IGAD Peace Process: Signposts for the Way Forward," 2. Madut-Arop, *Sudan's Painful Road to Peace,* 123. Garang declared he would be amenable to a cease fire to allow the army time to hand over political control of the state to the National Alliance for National Salvation, the coalition of academics and trade unions which had organized much of the resistance to Nimeiri in the final days of his regime. When it became clear this would not happen, he ordered hostilities against the army be resumed.
[190] Salih, "The Sudan, 1985-9: The Fading Democracy," 65.
[191] Salih, "The Sudan, 1985-9: The Fading Democracy," 65. Ismail Bin Matt. "Toward an Islamic Constitional Government in Sudan." *Thirty-Fifth Annual Conference of the Association of Muslim Social Scientists.* Hartford

The fall of the May Regime led the SPLA to flourish. In spite of Libya's withdrawal of support for the SPLA after Nimeiri's exit, the organization was still able to recruit soldiers and fend off the TMC while advancing into new territory. Its numbers rose to between 20,000 and 40,000 throughout 1985 and 1986.[192] However army defeats were viewed as setbacks for the TMC itself, which was a conservative junta composed partly of officers who until recently had been occupied primarily with fighting the insurgents.[193] As a result, the stronger the SPLA became, the more difficult it was the government to negotiate with it.

After one year, the TMC did finally deliver free and fair elections in early 1986, resulting in a ruling coalition of parties with 70% of the electorate's support.[194] Small parties, often not strong enough to win seats, were tolerated. There was more respect for freedom of speech than at any time in recent history, and human rights were largely observed.[195] However, because of the security situation, elections were only held for 37 of the 68 constituencies in the south.[196] The only way the TMC was able to cope with the instability the south inflicted on the rest of Sudan was to isolate the region even further.

THE KOKA DAM DECLARATION AND THE PARLIAMENTARY ERA OF 1986-1989

The Koka Dam Declaration, signed in Ethiopia on 24 March 1986, is often seen as a pivotal moment in Sudanese conflict resolution because of its recognition of and dialogue concerning the 'Basic Problems of Sudan'. It was also significant since the northern cooperative which concluded the agreement with the SPLA was led by the National Alliance for National Salvation (NANS), an umbrella organization

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Connecticut. 27-29 October 2006. Accessed 16 October 2007, 12. Johnson, *The Root Causes of Sudan's Civil Wars*, 71.

[192] Woodward, *Sudan, 1898-1989: the Unstable State*, 205.

[193] Woodward, *Sudan, 1898-1989: the Unstable State*, 205. Sidahmed, *Politics and Islam in Contemporary Sudan*, 185.

[194] Abdalla Hamdok. "The Future of Democracy in Post-War Sudan." *The Sudan Peace Process: Challenges and Future Prospects*, ed. John G. Nyuot Yoh and Eddy Maloka. East Lansing, Michigan: Michigan State University Press, 2005, 135.

[195] Hamdok, "The Future of Democracy in Post-War Sudan," 136.

[196] Salih, "The Sudan, 1985-9: The Fading Democracy," 49. "Raising the Stakes: Oil and Conflict in Sudan." *Sudan Update*, (December 1999), 77. Khalid, *The Government They Deserve*, 355, 367. Kok, *Governance and Conflict in the Sudan 1985-1995*, 43, 57-58. Madut-Arop, *Sudan's Painful Road to Peace,* 132.

containing many political factions, including the conservative Umma Party.[197] At Koka Dam, the SPLM/A and Umma reached common ground over their desire for the end of Sudan's military pacts, particularly with the United States and Egypt. Sadiq Al-Mahdi, perhaps more than other northern leaders, sought a more neutral foreign policy. Another basic point of agreement was that, rather than one side surrendering or otherwise capitulating to the other, a cease fire should be negotiated and implemented.[198] However, the two parties still disagreed over the need for a state of emergency in the south.[199] *Sharia*, or the Islamic laws, led to the most serious hurdle, as Al-Mahdi was prepared to debate their application, but not to repeal them entirely.[200] Personal suspicion and resentment also impeded progress: Garang felt the SPLM/A's role in Nimeiri's downfall was not appreciated, Al-Mahdi resented that Garang would not recognize him as a legitimate leader of Sudan, even after the election.[201]

Upon winning the 1986 election, Umma still needed a coalition to govern, and was forced to choose from among parties which opposed Koka Dam. Consequently, Al-Mahdi began discussing building a coalition with those who sought a solution outside the perimeters of Koka Dam.[202] He needed a pretext to pull out of the agreement, and finally received one when the SPLA shot down a civilian aircraft near the city of Malakal on 16 August 1986.[203] The outrage this incident provoked throughout the north towards the insurgency ended progress based on the Koka Dam Declaration.

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[197] Sidahmed, *Politics and Islam in Contemporary Sudan*, 166. "The Sudan-IGAD Peace Process: Signposts for the Way Forward." *African Security Analysis Programme.* Occasional Paper 86, March 2004, 3. The call for a national constitutional conference has been advocated by different Sudanese politicians for many years. It was a key demand in the mid-1980s of the SPLA.

[198] Woodward, *Sudan, 1898-1989: the Unstable State*, 210. Madut-Arop, *Sudan's Painful Road to Peace,* 132. *Koka Dam Declaration*, 1986, section 2f.

[199] Woodward, *Sudan, 1898-1989: the Unstable State*, 210.

[200] Woodward, *Sudan, 1898-1989: the Unstable State*, 210. Sikainga, "Northern Sudanese political parties and the civil war," 85. Kok, *Governance and Conflict in the Sudan 1985-1995*, 59. Lobban, interview. Lobban notes that Al-Mahdi, despite advocating parliamentary democracy, could never afford to become too secular lest he offend his deeply religious Ansar constituency.

[201] Woodward, Sudan, *1898-1989: the Unstable State*, 210. Instead Garang only recognized Al-Mahdi in his capacity as Umma leader.

[202] Sidahmed, *Politics and Islam in Contemporary Sudan*, 167. Kok, *Governance and Conflict in the Sudan 1985-1995*, 58, 60.

[203] Sidahmed, *Politics and Islam in Contemporary Sudan*, 167. Woodward, *Sudan, 1898-1989: the Unstable State*, 211. Salih, "The Sudan, 1985-9: The Fading Democracy," 66. Khalid, *The Government They Deserve*, 391. Madut-Arop, *Sudan's Painful Road to Peace,* 155.

The parliamentary era created a new pattern of coalition governments in Khartoum that were too unstable to commit to negotiations with the SPLM/A. In the 1986 election, Umma won about one third of the parliamentary seats and put together a coalition with the DUP to form a government, the first of five coalitions to be formed with Al-Mahdi as Prime Minister between April 1986 and June 1989.[204] In order to appeal more to its conservative members and keep the DUP from leaving the government, Umma was forced to take less bold steps than it had campaigned on. Not only did the party move away from Koka Dam, but also from abrogating Nimeiri's Islamic laws. Al-Mahdi now insisted that a suitable alternative had to be found before they were revoked.[205] He did not abolish the laws during his entire premiership.

The ferocity of the NIF-led opposition to negotiations with the SPLM/A led the government to become increasingly timid on that issue.[206] NIF outspokenness finally yielded results for the Islamists: when the Umma-DUP coalition came undone in April-May 1988, Umma's next coalition included the NIF. Most southern parliamentarians then formed an opposition under the banner of the Union of Sudanese African Parties (USAP).[207] However, even before the NIF joined the government, southerners had been a generally ignored voice. Al-Mahdi included only southern leaders in his government who lacked any broad support in their region. Consequently, most southern politicians believed it was only because of the SPLA's success that the region's interests were recognized at all.[208]

By late 1988 it became clear that the army could not satisfactorily route the insurgents. By November 1988, with elections nearing, DUP leaders finally resolved to meet with the SPLM.[209] The DUP felt it had been pushed aside by Umma first,

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[204] Sidahmed, *Politics and Islam in Contemporary Sudan*, 149. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 34.
[205] Salih, "The Sudan, 1985-9: The Fading Democracy," 62. Francis Mading Deng and Mohammed Khalil. *Sudan's Civil War The Peace Process Before and Since Machakos.* Pretoria: African Institute of South Africa, 2005, 8. Sidahmed, *Politics and Islam in Contemporary Sudan*, 176, 178.
[206] Sidahmed, *Politics and Islam in Contemporary Sudan*, 149, 163.
[207] Sidahmed, *Politics and Islam in Contemporary Sudan*, 149. Johnson, *The Root Causes of Sudan's Civil Wars*, 84.
[208] Johnson, *The Root Causes of Sudan's Civil Wars*, 81.
[209] Johnson, *The Root Causes of Sudan's Civil Wars*, 84. Al-Shahi, interview. Khalid, *The Government They Deserve*, 356.

then by the new coalition partner, the NIF.[210] DUP leader Mohammed Othman Al-Mirghani and Garang met in Addis Ababa and fashioned an agreement similar to Koka Dam in which the government would not need to dissolve itself and *Sharia* law would be suspended until a constitutional conference was convened.[211] The lifting of the state of emergency in the south, the ending of all military pacts, and a cease fire were also called for.[212] Al-Mirghani was welcomed by jubilant crowds upon his return to Khartoum airport from negotiations with the SPLM/A.[213]

Most political forces hailed the Sudanese Peace Initiative, but the NIF condemned it as 'a surrender to the rebels'.[214] The reservations of several Umma members and Al-Mahdi's hesitancy to sign on without a broad consensus in his coalition led to a refusal of the council of ministers to endorse the accord. As a result, the DUP left the government coalition on 28 December 1988, leaving Umma with a strengthened NIF as its only real partner.[215]

The NIF had argued for a military solution from the moment of its entry into the governing coalition.[216] However, on 20 February 1989 the General Command of the Armed Forces submitted a memo addressing many concerns, some of which questioned the sustainability of war.[217] It was as clear a message as the generals would give that unless steps to resolve the conflict were taken by the government

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[210] Sidahmed, *Politics and Islam in Contemporary Sudan*, 151. Kok, *Governance and Conflict in the Sudan 1985-1995*, 67. Madut-Arop, *Sudan's Painful Road to Peace,* 177.

[211] *Sudanese Peace Intiative*, 1988, section A1. Johnson, *The Root Causes of Sudan's Civil Wars*, 84. Benjamin, "The Sudan People's Liberation Movement/Army and the Peace Process," 50. Sidahmed, *Politics and Islam in Contemporary Sudan*, 168. Kok, *Governance and Conflict in the Sudan 1985-1995*, 67. Telephone interview by the author with Benaiah Yongo-Bure, Flint, 2009. Madut-Arop, *Sudan's Painful Road to Peace,* 180. Goldsmith, Abura and Switzer, "Oil and Water in Sudan," 192.

[212] *Sudanese Peace Intiative*, 1988, sections A2, A3, and A4. Salih, "The Sudan, 1985-9: The Fading Democracy," 68. Kok, *Governance and Conflict in the Sudan 1985-1995*, 67. Al-Shahi, interview. Madut-Arop, *Sudan's Painful Road to Peace,* 180.

[213] Suliman, "Civil War in Sudan: The Impact of Ecological Degradation," 12. Al-Shahi, interview. Johnson, interview. Khalid, *The Government They Deserve*, 356. Kok, *Governance and Conflict in the Sudan 1985-1995*, 68.

[214] Sidahmed, *Politics and Islam in Contemporary Sudan*, 152.

[215] Benjamin, "The Sudan People's Liberation Movement/Army and the Peace Process," 50. Sidahmed, *Politics and Islam in Contemporary Sudan*, 152. Khalid, *The Government They Deserve*, 375. Kok, *Governance and Conflict in the Sudan 1985-1995*, 69. Madut-Arop, *Sudan's Painful Road to Peace,* 182.

[216] Salih, "The Sudan, 1985-9: The Fading Democracy," 68.

[217] Sidahmed, *Politics and Islam in Contemporary Sudan*, 157. Mohammed Suliman. "Civil War in Sudan: The Impact of Ecological Degradation." *Environment and Conflicts Project (ENCOP)* Occasional Paper No. 4. Center for Security Studies and Conflict Research, Swiss Federal Institute of Technology. December, 1992, 12. Johnson, interview. Roger Dean. "Rethinking the civil war in Sudan." *Civil Wars* 3:1 (March 2000), 85. Khalid, *The Government They Deserve*, 357. Madut-Arop, *Sudan's Painful Road to Peace,* 183, 214-215.

soon, the army would intervene. Umma acquiesced to the army's demands, prompting the NIF to leave the coalition.[218] The National Assembly, led by a fifth coalition government which now excluded the NIF, endorsed the DUP/SPLA agreement on 2 April 1989 and began implementing some of its requisites. [219] The delay between the endorsement and the implementation allowed the NIF and army cadres almost three months to organize the *coup*. It was launched 30 June 1989, one day before Al-Mahdi was able to suspend the Islamic laws as he had agreed to do in April.[220]

THE COUP OF 1989 AND THE 1991 SPLA SPLIT

By early 1989, a *coup d'état* against the unstable parliamentary government was expected, though not by any particular faction. Factional support was suspected, even more so when it was discovered that the soldiers who had instigated the *coup* were not top brass but fairly average middle-rank officers who would not be able to rely on their military stature alone to stabilize their regime.[221] The SPLM/A was initially skeptical of the new regime, especially since a peace breakthrough had seemed at hand before the *coup*. Nevertheless, *coup* leader Omar Hassan al-Bashir vowed to work for peace in the south, saying he would talk to Garang 'soldier to soldier'.[222] Bashir sought to convey a practical, no-nonsense approach to negotiations which would have had appeal to conservative northern Sudanese who were wary of previous politicians making peace from what they considered a position of weakness. The NIF cast its revolution in a populist light, claiming to defend Islamic values (as understood by the urban, central Sudanese) from the special interests of regionalism and sectarianism as well as from the African secularism of the SPLM/A.[223] The *coup*

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[218] Johnson, *The Root Causes of Sudan's Civil Wars*, 84. Sidahmed, *Politics and Islam in Contemporary Sudan*, 153. El-Affendi, "Discovering the South: Sudanese Dilemmas for Islam in Africa," 384.
[219] "The Sudan-IGAD Peace Process: Signposts for the Way Forward," 3. John Young. "Sudan IGAD Peace Process: An Evaluation." *Institute of Governance Studies*, Simon Fraser University, Vancouver. 30 May 2007, 8. Madut-Arop, *Sudan's Painful Road to Peace,* 185. Al-Shahi, interview. Johnson, interview. Deng and Khalil, *Sudan's Civil War The Peace Process Before and Since Machakos*, 3
[220] J. Millard Burr and Robert O. Collins. *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000.* Leiden; Boston: Brill, 2003, 2, 25.
[221] Sidahmed, *Politics and Islam in Contemporary Sudan*, 189. Al-Shahi, interview. Alex De Waal. *Islam and Its Enemies in the Horn of Africa.* London: Hurst & Company, 2004, 184.
[222] De Waal, *Islam and Its Enemies in the Horn of Africa*, 184. Maundi, Zartman, Khadiagala and Nuamah, *Getting In: Mediators' Entry into the Settlement of African Conflicts*, 140.
[223] Sidahmed, *Politics and Islam in Contemporary Sudan*, 217. Al-Shahi, interview.

leaders included some trappings of democracy, appointing Islamist sympathizers to a new assembly that was essentially a rubber stamp for domestic policy.[224] Strict Islamic codes were implemented as to how non-Islamic religious organizations could operate throughout the state.[225]

Having promised that it held ending the war as a primary goal, the junta was soon forced to give the appearance of following through. In October 1989 the SPLA saved Khartoum from having to commit to peace by overrunning the northern town of Kurmuk.[226] Bashir now called on the Arab world to help him defend Sudan from the SPLA, which he declared a front for Marxism and Zionism. Only Libya and Iraq responded with significant aid, but it was enough to take back the town and avoid a serious early threat to the regime. The aid also gave the regime an opportunity to launch into permanent 'jihad' footing, allowing it to charge that it was the SPLA, not Khartoum, which destroyed an early opportunity for peace.[227]

The hawkish, Islamist nature of the new regime finally began to put an ideological strain on the southern insurgency. Francis Deng has remarked on how unusual it is that the SPLM/A, a southern insurgent movement dedicated to freeing the entirety of Sudan from exploitation and tyranny, had been able to grow so much more powerful than the various separatist militias that existed in both civil wars.[228] Even separatist-oriented fighters with no real interest in national revolution became committed to this well-disciplined force. However, the SPLA had until the early 1990s been fortunate enough to have momentum on its side. The schizophrenic attitude of the north, which

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[224] Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 20. Young, "Sudan IGAD Peace Process: An Evaluation," 8.

[225] Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 30 . Euler, "Human Rights in Sudan," 38. Religious communities had to be registered as 'religious groups' by 1994, equated with NGOs. Many churches, most notably the Roman Catholics, withdrew from the region rather than obey this law.

[226] Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 29. Yongo-Bure, interview. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 43. Kok, *Governance and Conflict in the Sudan 1985-1995*, 197. Yehudit Ronen. "Ethiopia's Involvement in the Sudanese Civil War: Was It As Significant as Khartoum Claimed?" *North African Studies* 9:1 (2002), 112. Young, "Sudan IGAD Peace Process: An Evaluation," 8. The NIF regime and the SPLA entered into two fruitless negotiations in 1989, one in August and one in December, with the second being facilitated by former US president Jimmy Carter.

[227] Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 30. Madut-Arop, *Sudan's Painful Road to Peace,* 253. The regime launched its jihad efforts in 1990 as part of its renewed militia campaigns.

[228] Abdullahi An-Na'im and Francis Mading Deng. "Self-Determination and Unity: The Case of Sudan." *Respect* 1:4 (November 2006), 10.

raced through three military regimes and five parliamentary governments during the 1980s, had helped the well-funded insurgent outfit make gains against a confused and demoralized Sudanese army.

The overthrow of the SPLM/A-friendly Mengistu government of Ethiopia in May 1991 led to the first serious turmoil Garang's movement would face. The new regime in Addis Ababa was unsympathetic to the SPLA, which was forced to abandon its crucial bases in Ethiopia.[229] Without easy access to food and a safe haven across the Sudanese border, Garang could no longer provide for the discontented Sudanese who made up his army. The hasty abandonment of his camps also disrupted the SPLA communication network, by which Garang could be made aware of, and therefore manage, internal dissent.[230] A conspiracy to topple Garang from SPLM/A leadership had actually been forming since before Mengistu's fall. Several of Garang's deputies were unhappy with his autocratic style and hoped to replace him with a leader more willing to delegate power.[231] The movement split in August 1991, with the defection of three of Garang's top lieutenants.[232]

Khartoum benefited enormously from the SPLA schism. The pattern of war had become routine throughout its first decade: the SPLA made its offensives in the rainy season, the government counterattacked in the dry season.[233] Khartoum found out immediately that applying stress to the fault lines between SPLA factions allowed for great gains in the army's dry season offensive in 1992.[234] By 1994, the SPLA had been pushed out of much of the south, and most of its fighters had retreated across the

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[229] Scott Peterson. *Me Against My Brother: At War in Somalia, Sudan and Rwanda.* London: Routledge, 2000, 205. "Raising the Stakes: Oil and Conflict in Sudan," 79. Johnson, interview. Ronen, "Ethiopia's Involvement in the Sudanese Civil War," 114.

[230] "Raising the Stakes: Oil and Conflict in Sudan," 79. Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 53. Douglas H. Johnson. "The Sudan People's Liberation Army and the Problem of Factionalism." *African Guerrillas.* Ed. Christopher Clapham. Oxford: James Currey Ltd, 1998, 60. Ronen, "Ethiopia's Involvement in the Sudanese Civil War," 114. The SPLA was also no longer permitted to operate its radio station from Ethiopian territory, severely damaging its ability to spread its message throughout Sudan.

[231] Madut-Arop, *Sudan's Painful Road to Peace,* 266. Ann Kelleher. "A Small State's Multiple-level Approach to Peace-making: Norway's Role in Achieving Sudan's Comprehensive Peace Agreement." *Civil Wars* 8:3 (September 2006), 300. Johnson, *The Root Causes of Sudan's Civil Wars*, 94. Ronen, "Ethiopia's Involvement in the Sudanese Civil War," 115. Kok, *Governance and Conflict in the Sudan 1985-1995*, 186.

[232] Dean, "Rethinking the civil war in Sudan," 80. Madut-Arop, *Sudan's Painful Road to Peace,* 259.

[233] Woodward, Sudan, *1898-1989: the Unstable State*, 211. Johnson, interview. This seasonal pattern of warfare was a feature of both wars, and was even more pronounced among the Anya Nya.

[234] ICG, *God, Oil and Country,* 135. Madut-Arop, *Sudan's Painful Road to Peace,* 253.

Ugandan and Kenyan borders.[235] The split allowed for the government to continue developing the oil regions by 1992, and soon thereafter it was able to negotiate agreements with anti-SPLA southern factions, often Nuer, to actually have them guard those oil wells.[236] This situation was formalized in 1997, when many of the anti-SPLA forces signed the Khartoum Peace Agreement, entering an official alliance with Khartoum.[237]

In March 1999 a major peace meeting between the two factions of SPLA commanders reconciled many differences. Internal SPLM/A reforms eased reconciliation processes and Garang's previous position of absolute authority was weakened. By the end of November 2001, most southern separatists finally halted attacks on the SPLA, but the decade-long split wreaked havoc on the southern insurgency movement and bought the government time to turn its oil wealth into arms.[238]

THE IGAD PEACE PROCESS AND THE DECLARATION OF PRINCIPLES

While the government was reluctant to make concessions at two forums in Abuja, Nigeria, in 1992 and 1993, it accepted an offer of mediation by regional neighbors such as Kenya, Uganda, Ethiopia and Eritrea assembled as the International Government Authority on Development (IGAD).[239] The IGAD Declaration of Principles, drafted by Ethiopia and Eritrea, stated that democracy, secularism, and a fair distribution of wealth throughout Sudan were prerequisites to end the war.[240] Unity was championed, but southern self-determination had to be recognized and the

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[235] Madut-Arop, *Sudan's Painful Road to Peace,* 313. John Prendergast and David Mozersky. "Love Thy Neighbor: Regional Intervention in Sudan's Civil War" *Harvard International Review.* 26:1 (April 2004). 72.
[236] "The Sudan-IGAD Peace Process: Signposts for the Way Forward," 10.
[237] Euler, "Human Rights in Sudan," 24. Shannon Lee Field. "The Internal and External Contexts of Oil Politics in Sudan: The Role of Actors," *The Sudan Peace Process: Challenges and Future Prospects*, ed. John G. Nyuot Yoh and Eddy Maloka. East Lansing, Michigan: Michigan State University Press, 2005, 71. Madut-Arop, *Sudan's Painful Road to Peace,* 337-338. ICG, *God, Oil and Country,* 135, 111.
[238] ICG, *God, Oil and Country,* 46, 138, 142.
[239] De Waal, *Islam and Its Enemies in the Horn of Africa*, 203. Johnson, *The Root Causes of Sudan's Civil Wars*, 102. Abdullahi An-Na'im and Francis Mading Deng. "Self-Determination and Unity: The Case of Sudan." *Respect* 1:4 (November 2006), 10. Collins Robert O. "Civil Wars in the Sudan." *History Compass* 5:6 (2007), 1788. Maundi, Zartman, Khadiagala and Nuamah, *Getting In: Mediators' Entry into the Settlement of African Conflicts*, 123. The two warring parties formally accepted IGAD mediation in mid-1993.
[240] *Declaration of Principles*, 1994, sections 3.4 and 3.5. Prendergast and Mozersky, "Love Thy Neighbor." De Waal, *Islam and Its Enemies in the Horn of Africa*, 204. Young, "Sudan IGAD Peace Process: An Evaluation," 14. Johnson, interview.

south was to be permitted a referendum on self-determination if the government failed to live up to the above principles.[241] The SPLM/A fully accepted this, but Khartoum would not and negotiations stalled for three more years. By 1997, after being isolated by its neighbors and in the wake of continued SPLA victories, Khartoum finally relented and conceded that the Declaration of Principles was a platform on which negotiations could be based.[242] This concession was considered a major breakthrough, as the opposing sides had never agreed to even a basis for discussions in the past.

Just when it seemed that the IGAD process was finally on the right track, it began to stall again. The outbreak of the Ethiopian-Eritrean war in 1998 ended the pressure on a reluctant Sudan to submit to the mediation forum for about two years.[243] Khartoum was able during that time to further distract advocates of the IGAD process by adding to their own internal problems, as demonstrated by Sudan's eventual support for the Lord's Resistance Army, a Ugandan insurgent group.[244] Internal divisions between the Bashir and Turabi camps in the government also contributed to the slow process of negotiations during this period, and there was always the hope that by stalling long enough Khartoum could skip negotiations and aim for total victory through a petrodollar-financed army.

The government began 'forum-shopping', or searching for the negotiating process it considered most favorable of the varied ones that emerged in the 1990s. It was particularly loathe to resume talks under IGAD as it would then be forced to abide by the Declaration of Principles that it had only signed under great military and

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[241] *Declaration of Principles*, 1994, sections 2 and 4. Prendergast and Mozersky, "Love Thy Neighbor." "The Sudan-IGAD Peace Process: Signposts for the Way Forward," 4.

[242] Prendergast and Mozersky, "Love Thy Neighbor." Johnson, *The Root Causes of Sudan's Civil Wars*, 175. ICG, *God, Oil and Country,* 156. Johnson, interview. By the mid-1990s, the SPLA was solidifying its connections with the exile opposition group the National Democratic Alliance, and coordinating fronts of attack in Eastern Sudan and the Nuba Mountains.

[243] "The Sudan-IGAD Peace Process: Signposts for the Way Forward," 16. El-Affendi, "The Impasse in the IGAD Peace Process for Sudan," 592. Young, "Sudan IGAD Peace Process: An Evaluation," 11. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 80. Yongo-Bure, interview.

[244] Johnson, interview. Lobban, interview. Prendergast and Mozersky, "Love Thy Neighbor." Osman Antwi-Boateng and Geraldine Maria O'Mahony. "A Framework for the Analysis of Peace Agreements and Lessons Learned: The Case of the Sudanese Comprehensive Peace Agreement." *Politics and Policy* 36:1 (2008), 168. Yongo-Bure, interview. El-Affendi, "The Impasse in the IGAD Peace Process for Sudan," 592.

diplomatic pressure.[245] Khartoum even contemplated possible withdrawal from IGAD mediation in early 2001, when a joint Egyptian-Libyan peace initiative was gaining momentum, but retained token IGAD participation to avoid political fallout.[246]

THE TURABI/BASHIR SPLIT AND THE PREPARATIONS FOR THE CPA

By the end of the 1990s, the military-Islamist coalition governing Sudan had begun to fracture. In 1999, Hassan Al-Turabi, civilian leader of the Islamist movement, had consolidated enough power as speaker of the assembly that he felt it was time to rescind certain privileges held by President Bashir. Turabi wrote a bill diminishing presidential power to appoint all governors, department heads and other key officials.[247] Turabi proposed directly electing state governors and making himself an executive prime minister. Bashir counter-attacked by removing him as speaker and disbanding parliament in December 1999.[248]

In May 2000, Turabi was removed as Secretary General of the National Congress Party (NCP). To avoid a war between Islamist factions, Bashir allowed Turabi's followers to regroup as the Popular National Congress (later the Popular Congress Party), while he retained control of the NCP.[249] Turabi still had a large urban following that could have been an immediate threat to Bashir had he overreacted.[250] In February 2001, Turabi was arrested after he had signed an agreement earlier that month with the SPLM/A.[251] Turabi stressed that the agreement was not a call to

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[245] ICG, *God, Oil and Country,* 156. "The Sudan-IGAD Peace Process: Signposts for the Way Forward," 5.
[246] ICG, *God, Oil and Country,* 156.
[247] Abebe Zegeye. "Future Perspectives and Conclusion." *The Sudan Peace Process: Challenges and Future Prospects*, ed. John G. Nyuot Yoh and Eddy Maloka. East Lansing, Michigan: Michigan State University Press, 2005, 154.
[248] De Waal, *Islam and Its Enemies in the Horn of Africa*, 82, 107. El-Affendi, "The Impasse in the IGAD Peace Process for Sudan," 593. Dean, "Rethinking the civil war in Sudan," 71-72. Madut-Arop, *Sudan's Painful Road to Peace,* 399. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 62.
[249] De Waal, *Islam and Its Enemies in the Horn of Africa*, 107, 109. ICG, *God, Oil and Country,* 42, 79. Michael Kevane. "Sudan: 2001-2002. From war to the possibility of peace in the south and then to new conflict in Darfur." Chapter prepared for *African Contemporary Record* (December 2004), 3. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 62, 149.
[250] ICG, *God, Oil and Country,* 87. International Crisis Group. "Sudan Endgame." International Crisis Group. "Sudan Endgame." 7 July 2003, 22.
[251] ICG, *God, Oil and Country,* 42. Lobban, interview. Emeric Rogier. *No More Hills Ahead? The Sudan's Torturous Ascent to Heights of Peace.* Netherlands Institute of International Relations, Clingendael. August, 2005, 26. Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 279. Ted Dagne. "Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and US Policy." *Foreign Affairs, Defense and Trade Division of the Congressional Resource Service*, Issue Brief for Congress. 2 August 2002, 7.

violence or rebellion, but he was charged nevertheless with conspiring with a state enemy.[252]

The NIF split coincided with another shift of the war to the SPLM/A's favor. In May and June 2001, the SPLA overwhelmed two government garrison towns in Western Bahr Al-Ghazal, Raga and Dem Zubeir.[253] This resurgence shattered the government propaganda line that the army was winning the war and the SPLA was merely stalling for time. The government began to rapidly lose support among all sections of the population by 2001, and its attempts to placate its core of northern supporters only made opportunities for a peaceful settlement seem even more remote. Stiffer military resistance by reconciled Nuer and Dinka towards the Baggara Arabs who had comprised a large part of the government militias eventually led to tribal settlements between those groups, sapping still more energy from Khartoum's war effort.[254]

Both sides by 2001 feared that in making gestures towards peace they could compromise their own positions. The Sudanese government feared both the consequences of southern self-determination and the pressure in the north for more democracy. It particularly feared that the former would lead to the latter. The SPLA feared that the series of humanitarian cease fires pressed for by NGOs would eventually become a conduit to a more general cease fire, which it rejected unless implemented in conjunction with a comprehensive peace.[255] As a result neither side could seriously consider stopping the conflict immediately.

By 2001 it seemed the peace process needed revitalization that only vigorous effort by the international community, particularly the United States, could provide. In 2001, US President George W. Bush deployed former Senator John Danforth to

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[252] ICG, *God, Oil and Country,* 42.
[253] Dagne, "Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and US Policy," 7. ICG, *God, Oil and Country,* 117-118.
[254] ICG, *God, Oil and Country,* 128.
[255] ICG, *God, Oil and Country,* 172. It also feared that a humanitarian cease fire would preserve the upper hand the army retained over the SPLA in the Nuba Mountains by 2001. ICG, *God, Oil and Country,* 67. 'Swiss Special Envoy for Conflicts, Joseph Bucher, conducted shuttle diplomacy in late 2001 in an attempt to narrow the differences between the SPLA and the government'.

mediate a cease fire in the Nuba Mountains.[256] Bush requested Danforth assess the conflict in southern Sudan and complete a report detailing whether the US should help resolve the conflict. In March 2002, Danforth made his recommendations to the president. After making contacts with many of the states and organizations involved in the process, Danforth seemed to concur with the IGAD formula, which focused initially on narrowing participants to the SPLM/A and the government and avoiding northern regime opponents who aligned under the National Democratic Alliance umbrella exile group. Danforth did not support self-determination for the south, but he thought nevertheless that IGAD was a viable peace process and encouraged the US to throw its weight behind it rather than launch a separate initiative.[257]

THE MACHAKOS PROTOCOL AND SUBSEQUENT AGREEMENTS

In June 2002, talks reconvened with American, British, and Norwegian mediators assisting Lazarus Sumbeiywo, Kenya's special envoy to Sudan and the chief IGAD mediator.[258] The SPLM/A and the government agreed to allow both an Islamic system with *Sharia* law in the north and a secular system in the south. A referendum was to be held in the south after six years allowing southerners to determine that region's status, to remain in federation with Sudan or to become independent.[259] Operating on the premise that the AAA failed in part because it had no international oversight mechanisms, Machakos allowed a variety of security monitoring procedures that would become more common as the peace process began its 'second stage'.[260]

The Machakos Protocol became the turning point in the peace process. It made reference to democratic governance and social, political and economic justice for all

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[256] Dagne, "Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and US Policy," 2. Francis Kornegay. "Regional and International Dimensions of the Sudanese Peace Process," *The Sudan Peace Process: Challenges and Future Prospects*, ed. John G. Nyuot Yoh and Eddy Maloka. East Lansing, Michigan: Michigan State University Press, 2005, 60.

[257] Danforth 2002, 2, 16, 26. De Waal, *Islam and Its Enemies in the Horn of Africa*, 242. Nicholas Coghlan. *Far in the Waste Sudan: On Assignment in Africa.* Montreal: McGill-Queens University, 2005, 206. Johnson, interview. Johnson writes that Danforth's report, which did not recommend pushing for a secular 'New Sudan', was another impetus for the SPLA to push for southern self-determination.

[258] Johnson, *The Root Causes of Sudan's Civil Wars*, 179. Euler, "Human Rights in Sudan," 50. Telephone interview by the author with Patricia Lane, Sydney, 2009.

[259] *Machakos Protocol*, 2002, Part B 2.5. De Waal, *Islam and Its Enemies in the Horn of Africa*, 242. ICG, "Sudan Endgame," 3. Benjamin, "The Sudan People's Liberation Movement/Army and the Peace Process," 17. Henry Owuor. "New Deal Makes Sudan Peace Dream Real." *All Africa.* 29 May 2004. "The Sudan-IGAD Peace Process: Signposts for the Way Forward," 3.

[260] "The Sudan-IGAD Peace Process: Signposts for the Way Forward," 17.

citizens of Sudan, building off the advocacy of the democratic ideal first drafted in the 1994 Declaration of Principles.[261] The IGAD process devised a one-state, two-system construction, creating two confederate regions with their own banks, constitutions, armies and governments. It created three layers of government in the south: the Government of Southern Sudan, state governments and local government.[262]

The first agreement to be concluded after the initial protocol was the Agreement of Security Arrangements during the interim period, which was signed on 25 September 2003.[263] It stipulated that the Sudanese Armed Forces of the national government and the SPLA-formed southern army would remain separate during the interim period and function as two distinct armies.[264] The SPLA would also withdraw from areas outside the south, such as Eastern Sudan. The Sudanese Armed Forces of the north were to withdraw from their garrisons in the south by mid-2007.[265]

After security considerations throughout most of the state had been addressed, the parties turned to the crucial issues of wealth sharing in a post-war Sudan. Talks resumed on 4 January 2004 in Naivasha, Kenya and by 7 January 2004 the parties had reached a Wealth Sharing Agreement.[266] This agreement covered the division of the oil and non-oil revenue, and how funds would be used to rehabilitate areas affected by the war, particularly in the south. It mandated the creation of a National Petroleum Commission to review contracts signed with foreign oil companies and to monitor the distribution of income from natural resources.[267] It also stipulated that special funds should be set up to help areas most affected by the two decades of war, southern Sudan first and foremost.[268]

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[261] *Machakos Protocol, 2002,* article A 1.5.1. and 1.5.2. "The Sudan-IGAD Peace Process: Signposts for the Way Forward," 17. *Declaration of Principles*, section 3.4.
[262] Power Sharing Agreement, 2004, article 1.5.1.1.
[263] Benjamin, "The Sudan People's Liberation Movement/Army and the Peace Process," 52.
[264] Benjamin, "The Sudan People's Liberation Movement/Army and the Peace Process," 53. *Framework on Security Arrangements*, 2003. Sections 1b, 4 and 5.1. A smaller Joint Integrated Force and Joint Defense Board would be created.
[265] *Framework on Security Arrangements*, 2003. Sections 3b and 3c.
[266] Benjamin, "The Sudan People's Liberation Movement/Army and the Peace Process," 53.
[267] *Wealth Sharing Agreement*, 2004, Sections 3.2 and 3.4.5. International Crisis Group. "The Khartoum-SPLM Agreement: Sudan's Uncertain Peace." 25 July 2005, 8.
[268] *Wealth Sharing Agreement*, 2004, Section 15. Biong Kuol Deng. "The Legal Implications of the Sudan Peace Process: Interpretation of the Texts of the Agreements," *The Sudan Peace Process: Challenges and Future*

The Power-Sharing Agreement was signed on 26 May 2004.[269] The SPLM was conceded by far the most prominent position in the newly created Government of Southern Sudan (GOSS) and a larger representation than any faction but the National Congress Party (the NCP, now the party of Bashir and his government clique) in the national government. It would control 70% of the appointed positions in the GOSS until mid-interim period elections, with the NCP and other southern parties controlling the remaining 15% each.[270] Nationally the NCP maintained 52% of appointed positions, the SPLM 28%, other northern parties 14%, and other southern parties 6%.[271] The SPLM would also establish ten new state governments in the south.[272]

Also signed on 26 May 2004 at Naivasha were a protocol to resolve the conflict in Southern Kordofan and the Blue Nile and a separate protocol to resolve the conflict in Abyei. The status of these areas was especially delicate due to both the mix of Arab/non-Arab demographics and the oil producing areas there. The parties agreed to share the positions in the Nuba Mountains region of Kordofan and the Southern Blue Nile on a 55/45 basis with the NCP receiving the larger portion.[273] An Abyei Boundaries Commission was created to determine the land rights of the Dinka and arabized communities in that region, resulting in what was agreed would be a binding resolution.[274]

By late 2004, the primary remaining task was to gather all the protocols into one Comprehensive Peace Agreement and set about a time frame for the implementation of the prescribed measures. Two final documents, the Agreement on Implementation

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Prospects, Ed. John G. Nyuot Yoh and Eddy Maloka. East Lansing, Michigan: Michigan State University Press, 2005, 117.

[269] Amnesty International. "Sudan: North-South Peace Deal Leaves Future of Human Rights Uncertain". 7 January 2005.

[270] *Power Sharing Agreement*, 2004, Section 3.5.1. ICG, "Sudan's Comprehensive Peace Agreement," 12.

[271] *Power Sharing Agreement*, 2004, Section 2.2.5. Human Rights Watch. "The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan." March 2006, 6. ICG, "Sudan's Comprehensive Peace Agreement," 3.

[272] ICG, "Sudan's Comprehensive Peace Agreement," 9.

[273] *Resolution of the Conflict in Southern Kordofan and Blue Nile States*, 2004, Section 11.1.1. Owuor, "New Deal Makes Sudan Peace Dream Real." Hassan Arouni. "A long day in Naivasha." *BBC News*. 27 May 2004.

[274] *Resolution of the Abyei Conflict*, 2004. Section 5. HRW, "The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan," 13.

Modalities of the Protocols and Agreements and an agreement on the final cease fire and security arrangements, were signed on 31 December 2004.[275] A time frame was given for the various elements discussed in previous agreements. This arrangement was included in part to avoid the fate of the AAA, which observers believe was too easy to circumvent. These last two protocols, along with the six previous ones signed since 2002, make up the CPA, signed on 9 January 2005.[276] Unlike the final AAA, the Comprehensive Peace Agreement was primarily a formalization and affirmation of the previous agreements that actually contained the heart of the peace process. The January signing also marked the beginning of a six-month pre-interim period meant to prepare Sudan for the interim period of six years beginning in July 2005. While both the government and the SPLM/A had an abundance of potential employees for the new Government of National Unity and the regional Government Of South Sudan, the interim period was needed to rebuild the infrastructure in the south that had been destroyed after decades of war.[277] At the end of this period, in 2011, a referendum is to be held among southerners to determine if the south will remain a part of the Republic of Sudan or seek independence.[278]

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[275] Amnesty International, "Sudan: North-South Peace Deal Leaves Future of Human Rights Uncertain".
[276] Amnesty International, "Sudan: North-South Peace Deal Leaves Future of Human Rights Uncertain". Lin Zhishen Liu Li. "Dawn of Great Expectation for Peaceful, Prosperous Sudan." *Xinhuanet News Agency.* 10 January 2005.
[277] Euler, "Human Rights in Sudan," 43. HRW, "The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan," 19.
[278] HRW, "The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan," 7.

CHAPTER TWO: FOUNDATIONS OF NATIONAL IDENTITY

This chapter is primarily concerned with the evolution of northern nationalism, southern nationalism as a response to it, and the eventual acceptance of the south's anomaly status as best represented by the push for southern self-determination. The chapter will discuss both the foundations of northern and southern Sudanese conceptions of national identities, and how both peace agreements accommodated their evolution, especially with regards to the administrative status of the south and other regions. The agreements were indirect testaments to the difficulty Sudan has had transcending its regional identities, in part because of the uniquely unintegrated nature of the state at independence, of which the south is only the most extreme example. After independence, northern nationalism initially was unable to overcome its Arab-Islamic foundation, even during parliamentary democratic periods. Sudanese showed aspirations towards a literally nationalist movement under the early May Regime, and a truly nationalist insurgency in the SPLM/A, but neither of these movements could transcend their respective regional constraints.

A fundamental difference between the AAA and the CPA is the degree to which the latter recognizes southern demands for self-determination. The agreements form the two defining moments in a long evolution of southern demands for autonomy, beginning with federalism at independence, and gradually becoming more radical over the course of the two wars. The first war began before the south had achieved a cohesive identity as a region, and, due to political circumstances, ended as a truly region-wide southern liberation movement was only beginning to form. The inchoate nature of southern nationalism by the time of the signing of the AAA may have spared Sudan from several more years of separatist war, but also compromised national integration. Without a cohesive identity, regional politics devolved into patronage networks based on tribal divisions, exploited by the very national president who initially crafted the agreement. A lack of shared identity made it easier for various southern elites to be inducted into the national patronage network.

With the AAA, Khartoum ceded to the south the primary shared concerns of the region up to that period: autonomous government, employment for insurgent elites and fighters, guarantees to defend indigenous culture and access to education tailored to the region's identity. While protections of indigenous culture represented real concessions on the part of the national government, the goal of southern inclusion on a national level actually complemented northern Sudanese concerns about national integration. As such, the AAA was a landmark refutation of the colonial-era Southern Policy, allowing the potential for national integration – had the national government been able to form a stronger base of legitimacy in the north.

The peace following the AAA allowed for a short period of national integration, but the larger legacy of that agreement was its contribution to the makeup of the next major insurgent movement, the SPLM/A. Some of the dividends of integration attempts during this period were seen in the mission of the later movement, whose demands were no longer for southern secession, but for a national revolution with more substantive powers for the regions than existed under the May Regime. However, the SPLM/A's national vision coincided with the emergence of the post-nationalist Bashir regime, which was unwilling to share power except on a strictly regulated, regionally defined basis, forcing the SPLM/A to compromise its nationwide objectives and accept a role as the *de facto* southern liberation movement. Khartoum's use of self-determination as a bargaining chip with southern militias to gain tactical advantage over the SPLM/A demonstrates the receding of the bedrock northern nationalist principle that Sudan must remain united. The government of Sudan facilitated southern self-determination by acknowledging the principle in agreements with the SPLA's separatist rivals throughout the course of the second war. Khartoum's acceptance of self-determination also confirms that while Islam was a nation-building tool for the nationalists in the first war, the Bashir regime saw it as primarily a tool to perpetuate its own rule. This shift towards using Islam as a political weapon first occurred in the final years of the Nimeiri regime and was responsible both for the abrogation of the AAA and the length of the second war.

The impact of nationalism's wane is one of the most significant trends evident when examining the two agreements comparatively. Despite being an improvement on the AAA concerning southern representation on the national level and representative government generally, the CPA is actually a weaker vessel for national integration of Sudan than the AAA had been. Rather, it further codifies distinct Sudanese identities nationally and on the north-south fault line, then after a six-year period in which those identities are further strengthened in contrast to each other, allows for regional secession.

THE UNINTEGRATED STATE AND NORTHERN NATIONALISM

As discussed in Chapter One, Sudan's lack of national integration is partially attributable to the techniques relied on by the British to administer a vast territory with a small number of troops and personnel. Experiments with the creation of an educated class of Sudanese administrators showed early potential to threaten Condominium administration when they resulted in the 1924 mutiny. The mutiny was led by young officers with modern military training who had come from traditionally lowly backgrounds, such as slave status, and been promoted by colonial authorities.[1] The genesis of national consciousness in Sudan is therefore attributed to the introduction of Western education, the paragons of which were the Gordon Memorial College and the Khartoum Military School, established in 1902 and 1905 respectively.[2]

The British abolition of the open slave trade allowed more freedom for this class of non-Arab Sudanese, but egalitarianism was not the ultimate objective of the Condominium regime. The government would ultimately come to rely on the central,

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[1] Francis Mading Deng, "Green is the Color of the Masters: The Legacy of Slavery and the Crisis of National Identity in Modern Sudan." *Gilder Lehrman Center for the Study of Slavery, Resistance and Abolition*, Yale University. New Haven, Connecticut. 23 October 2004, 28. Gabriel Warburg, *Islam, Nationalism and Communism in a Traditional Society.* London: Frank Cass & Company, 1978, 36. In the 1920s, the Sufi leader of the *Khatmiyya* sect, Sayyid Ali Mirghani, observed of the young Gordon University graduates, then forming a new elite, 'The government's best friends are the taxpayers and its worst enemies those who receive pay from it.' Abdel Salam M. Sidahmed. *Politics and Islam in Contemporary Sudan.* New York: St. Martin's Press, 1996, 20. Sidahmed notes that nationalist movements are often born from the very institutions colonialism creates.

[2] Francis Mading Deng, *War of Visions: Conflict of Identities in the Sudan.* Washington, Brookings Institute, 1995, 101, 108. Widespread resistance to British rule in the south during the 1920s was still in the process of being suppressed, and Francis Deng suggests it is possible the demonstration had 'a catalytic effect on the young nationalist officers, especially those whose ethnic origins were southern'.

riverine elites to form their new class of administrators. The British sought to advance arabized Sudanese by providing them the education necessary for administrative employment, a patronage tactic designed to minimize potential resistance from this class by making them the beneficiaries of Condominium rule.[3] This program accelerated the process by which the central riverine area not only advanced as the center of wealth and power in Sudan, but of political consciousness. 'By favouring self-defined Arabs at the expense of everyone else, including not only Arabic-speaking former slaves or their descendants, but also non-Arab Muslims and non-Muslims (such as the Dinka), the British cultivated a group of men who had the literacy and the political know-how to develop and articulate nationalist ideologies.'[4]

The British were angered by the 1924 mutiny, viewing it as a betrayal by the very class the administrators had helped educate and provide opportunities for. Chastened by their reliance on the small, educated class of Sudanese, the British reverted back to a patronage structure in which traditional sectarian and provincial elites were to administer, bypassing tendencies towards modernity and education which might have served as a conduit towards a greater national identity after Sudan made the transition to independence. The wave of nationalism in the early 1920s convinced many administrators that the early reliance on and benefaction towards traditional leaders, as practiced by Governor General Wingate, was a superior administrative approach to Sudan than the nascent movement towards formal bureaucracies envisioned by Governor General Stack before his 1924 assassination.[5] It was not until the decade

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[3] Heather J. Sharkey. "Arab Identity and Ideology in Sudan: The Politics of Language, Ethnicity, and Race." *African Affairs* 107:426 (2008), 29.

[4] SharkeySharkey, "Arab Identity and Ideology in Sudan: The Politics of Language, Ethnicity, and Race," 30. Muddathir Abd Al-Rahim. *Imperialism and Nationalism in the Sudan.* Oxford, UK: Clarendon Press, 1969, 19, 37. Telephone interview by the author with R. S. O'Fahey, Oslo, 2009. O'Fahey explains that this same class, educated up to the late 1910s and early 1920s to serve as clerks, railway workers and low level administrators. They were the class to whom the British handed power upon their exit from Sudan, and from whom most of the leading political figures derived in the post-colonial age. 'The Black Book of Sudan' released in Sudan by anti-government activists in Darfur, notes that Sudanese leadership has always emerged from the same 5% of the population. Sharkey, "Arab Identity and Ideology in Sudan: The Politics of Language, Ethnicity, and Race," 42. 'In May 2000, an anonymously authored and distributed "Black Book" made the rounds in greater Khartoum, eluding government censorship: it purported to show "what everyone knew but never articulated: that the vast majority of government positions in Khartoum, from cabinet ministers to their drivers and all the bureaucracy in between, were held by members of three [Arab] tribes which represented only 5.4% of the population.'"

[5] Deng, *War of Visions: Conflict of Identities in the Sudan*, 102. Warburg, *Islam, Nationalism and Communism in a Traditional Society*, 45. Warburg notes that even British administrators sympathetic to the modernist goals of the Sudanese were influenced by Wingate's methods and preferred informal relationships with tribal leaders to dealings with educated, urban 'middlemen'; an anti-educated bias was compatible with the anti-industrial bias many administrators felt in the 1930s and 1940s. Al-Rahim, *Imperialism and Nationalism in the Sudan*, 67. Stack

preceding independence, the state would become a dominant provider of services and employment, with World War Two stimulating the public sector and creating a new atmosphere which encouraged nationalists to push for self-rule.[6]

The nationalists of the 1940s and 1950s sought a more secular form of politics, both to advance modernity in Sudan and because the sectarian rivalries took attention away from their primary goal – ejecting the British. The northern backlash to the Southern Policy and the subsequent desire to incorporate the south into northern culture was 'the only point on which the largely secularist Sudanese nationalist movement expressed Islamic viewpoints'.[7] Nationalism commonly assigns religion a second-tier status, recognizing its role in providing political stability but often disdaining it as conservative and reactionary, and often an ally of the *ancien régime*.[8] Sudanese nationalism was unusual in that, with the failure of the early nationalist push in the 1920s which did not have the support of sectarian elites, later generations of nationalists were forced to make common cause with conservative religious figures and seek their patronage to advance their objectives.[9] This cooperation did not undermine the legitimacy of the northern nationalist cause as much as it might have in other African states, as the proto-nationalist movement of the Mahdi in the late 1800s had set a precedent for Sudan's mixture of religion and nationalism. This was demonstrated by the outcome of the government of Ismael Al-Azhari, Sudan's first Prime Minister. Azhari was considered an ideal compromise candidate as he was from the smaller *Ismailiyya* sectarian faction, neither threatening the larger sectarian

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had hoped to cultivate an educated elite to share the reigns of governance with the traditional tribal authorities. In his mind, both would compliment each other's education and experience. His assassination would see Native Administration become an alternative, not a compliment, to the employment of educated Sudanese in government. Deng, *War of Visions: Conflict of Identities in the Sudan*, 102. The Graduate's Club of Omdurman was formed during this period, and served as an incubator for the northern Sudanese intelligentsia until its dissolution in the 1940s.

[6] Peter Woodward, *Sudan, 1898-1989: the Unstable State*, Boulder, Colorado: L. Rienner Publishers; London: L. Crook Academic Pub, 1990, 79.

[7] Abdelwahab El-Affendi. "Discovering the South: Sudanese Dilemmas for Islam in Africa." *African Affairs* 89:356 (July 1990), 372, 373-374.

[8] Brendan O'Leary. "On the Nature of Nationalism: An Appraisal of Ernest Gellner's Writings on Nationalism." *British Journal of Political Science* 27 (1997), 192.

[9] Martin Daly, "Broken bridge and empty basket: the political and economic background of the Sudanese civil war." *Civil War in The Sudan.* Eds. Daly, M.W. and Ahmad Alawad Sikainga. London: British Academic Press, 1993, 9.

factions nor beholden to them.[10] Azhari assumed the premiership following the 1953 elections, a role he would hold until after independence.[11] However, he could not transcend the traditional, reactionary forces of the two dominant sectarian leaders, who eventually came together in July 1956 to confront Azhari and his secularists and throw their government out of power.[12]

Native Administration came to symbolize to the second wave of educated nationalists the antithesis of a modern state, strengthening provincial and spiritual ties over allegiance to a united Sudan. Nationalists also believed this method of managing Sudan's internal affairs was contrary to the state's natural process of modernization, as tribalism had almost been completely destroyed in the north by the Mahdist regime. They considered local officials ultimately as beholden to British District Commissioners and Governors.[13] Sudanese nationalist pride was also stoked by the fact that Egypt and Britain continued to negotiate treaties regarding the nature of Nile Waters and Egyptian emigration to Sudan without consulting the Sudanese themselves.[14]

The rising nationalist tensions in the north over the course of the early 1920s led the British to seek further isolation of the south from northern influence. It was therefore seen as pragmatic and cost effective to manage the south by removing northern and Egyptian officials stationed there and administering through tribal chiefs, who would coordinate directly with the few military officials remaining in the south.[15] This British-enforced Southern Policy prevented national integration by alienated southern Sudanese from the nationalist concerns of northerners, inhibiting the natural cultural

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[10] Peter Woodward "Islam and Politics." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adland Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 4. Warburg, *Islam, Nationalism and Communism in a Traditional Society*, 64.

[11] Warburg, *Islam, Nationalism and Communism in a Traditional Society*, 64. Beshir Mohammed Said, *The Sudan: Crossroads of Africa.* London: Bodley Head, 1965, 73.

[12] Daly, "Broken bridge and empty basket," 5. Deng, *War of Visions: Conflict of Identities in the Sudan*, 12. John Voll and Sarah Voll, *The Sudan: Unity and Diversity in a Multicultural State.* Boulder, Colorado: Westview Press, 1985, 70. Warburg, *Islam, Nationalism and Communism in a Traditional Society*, 89. Dunstan M. Wai. "Political Trends in the Sudan and the Future of the South." *The Southern Sudan: The Problem of National Integration.* Ed. Wai, Dunstan M. London: Frank Cass, 1973, 147. The Torit Mutiny in August 1956 had been an earlier blow to Azhari's prestige in the north.

[13] Al-Rahim, *Imperialism and Nationalism in the Sudan*, 203.

[14] Al-Rahim, *Imperialism and Nationalism in the Sudan*, 84-85. Peter Woodward, "Military-Civilian Relations." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 54.

[15] Daly, "Broken bridge and empty basket," 5. Deng, *War of Visions: Conflict of Identities in the Sudan*, 8.

exchange so vital to an integrated nation-state. The kind of inter-tribal and religious alliances that were forged in other African revolutionary movements – and would be sought after in the second Sudanese civil war – were not developed between northerners and southerners in the 1940s and 1950s.[16] Southerners' isolation from the nationalist movement meant that rather than being viewed by northerners at independence as brothers-in-arms, they were instead an embarrassing reminder of the colonial past and the impotence of the first wave of northern nationalism in the face of British authority in the 1920s.[17]

The coercive tendency of the second wave of northern nationalists towards integrating the south was due to the very threat the Southern Policy posed to what was still a fragile nationalist movement. It was widely understood by northern intellectuals that the colonial isolation of the south from the rest of Sudan had been formalized in 1930 because the British considered Islam to be a religion on the decline: to allow its introduction to southerners was considered as unhelpful to their development and could potentially encourage fanaticism.[18] For northern nationalists to allow such paternalist bigotry to go unchallenged was unconscionable. Islam was one of the few cultural elements shared by most northern Sudanese, and subsequently became a fundamental pillar of the nationalist movement. The urgency for national

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[16] Douglas Johnson, *The Root Causes of Sudan's Civil Wars*, Bloomington: Indiana University Press, 2003, 127. Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 150. 'Early national poetry reflects the isolation of the south: it is always in Arabic and deals exclusively with themes of interest to the north.' Amir Idris. *Conflict and Politics of Identity in Sudan.* New York: Palgrave Macmillan, 2005, 44. 'The history of nationalism in Sudan is about competing claims over the post-colonial identity of the state, not about the struggle against European colonialism.' Al-Rahim, *Imperialism and Nationalism in the Sudan*, 97. 'The fact that pan-Islamism did not work in Sudan was more interesting because even though the end of the Ottomans meant the reemergence of an Arabian Kingdom across the Red Sea from Sudan, Sudanese religious figures did not greet Arabia with anything but politeness despite King Hussein's vigorous attempts to court their sympathy.'

[17] P.M. Holt. *A Modern History of the Sudan.* London: Weidenfeld & Nicolson, 1961, 129. There were severe limits to the southern influence over what would ultimately come to be seen as a northern-based nationalist movement. Across north Sudan, branches of the nationalist White Flag League were founded in regional towns, but ironically the south itself was considered too 'isolated, divided and backward to be part of the nationalist movement'.

[18] Robert O. Collins, *Shadows in the Grass: Britain in the Southern Sudan, 1918-1956.* New Haven & London: Yale University Press, 1983, 172. Civil Secretary Harold MacMillan, the author of the 1930 Memorandum on Southern Policy which prohibited the use of Arabic in southern Sudan, that same year wrote: 'The religion of the Arab is the fruit of thirteen centuries of discipline and dogma, and it appears now to have reached a stage of world-wide stagnation, periodically rippled by political restlessness.' Said, *The Sudan: Crossroads of Africa*, 40. T.R.H. Owen, Deputy Governor of Bahr Al-Ghazal, writes that the northerners 'could run Omdurman I believe. That they will soon be fit to govern the Rizeigat and the Hadendowa is possible. That they will in the next two decades be fit to be entrusted with the Zande and the Dinka is not even thinkable.... We, the British... are better qualified than any other race... to lead primitives up the path of civic progress. [We] are not going to see the South dominated by an Arab civilization in Khartoum which is more alien to them than our own.' Owen did allow that 'The underlying object is still to train the Southerner to run his own country. Provided that this object is not jeopardised, there should be no limitation to legitimate Northern activity or intrusion.'

integration created by this psychology explains in part the counterproductive brutality of Khartoum's early nation-building efforts in the south after independence, under both democratic and autocratic regimes. The thwarting of northern nationalism was therefore a key factor in the perpetuation of the first civil war, as it left early Sudanese leaders out of touch with the concerns of people's in the remote areas and unaware of the dangers of relying on Islam as a state-building tool.[19] Arab identity was also championed by the riverine elites, in part because of the contrast it presented with black Africa. The belief was that championing African identity would actually lead to a disintegration of national identity. In 1972, Egyptian scholar 'Abd Al-Majid 'Abidin stated that for the Sudanese, 'embracing Africanism (*tazannuj*) would be divisive precisely because Africans (*zunuj*) were so heterogeneous and, he claimed, lacked a basis in language or civilization. "The call to Africanism . . . would lead to a call for division, fragmentation, and tribalism in this country."'[20] The British occupation heightened the significance of the Arab component in northern nationalism: 'Identification with the Arab East was as much a reaction against Western domination as it was an escape from the inferiority of the African background.'[21]

As with other nationalist movements, northern Sudanese considered it paramount that the post-independence state hold together. The traditional ambivalence colonial officials had expressed about keeping Sudan united made suspect any notions of recognizing the uniqueness of the south during the pre-independence era. Imported western terms such as 'federalism' and 'self-determination' were therefore weighted in the Sudanese context, traceable back to fears of British intentions during colonial

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[19] Telephone interview by the author with Richard Lobban, Providence, 2009. As Lobban states, northern nationalists, whether of the DUP or Umma, or smaller parties, 'were unabashedly Muslim... they just didn't have enough experience governing to see that their religion might unify their immediate forces but it would send the periphery spinning off.' Elisabeth Bakke. "How Voluntary is National Identity?" *National Political Science Conference.* University of Oslo, Tromsø, Norway. 11-13 August 2000, 7. Bakke theorizes that as the national identity hardens, it becomes more difficult for excluded groups to be accommodated. Though written in the context of early European state-building, the theory is also applicable when studying early northern nationalism and its relationship with non-Arab, non-Muslim peoples.

[20] Sharkey, "Arab Identity and Ideology in Sudan: The Politics of Language, Ethnicity, and Race," 41.

[21] Deng, "Green is the Color of the Masters: The Legacy of Slavery and the Crisis of National Identity in Modern Sudan," 12.

times.[22] Northern nationalists were adamant that the British would not use self-determination as a ruse to attach the south to their East African possessions of Uganda and Kenya. In this regard, northern nationalists fell victim to the irony which Herbst notes became common in post-colonial African nationalist movements: in their endeavor to restore a pre-colonial identity, they were suspicious of creating any modern parallel to the network of semi-autonomous confederacies upon which the traditional, pre-colonial African state had often been established. Instead, these educated, Western-influenced nationalists sought to re-imagine the state along the lines of the European nation-building movements, which relied on a strong central state controlling territory within rigidly defined borders.[23] Sudan faced an exaggerated case of the dilemma whereby the post-colonial state was trying to assert power over territory it had never historically been able to control, defined by the arbitrary borders agreed to by the departed imperial powers. By independence, some areas of the south had only been conquered and pacified by the British less than three decades prior, and were still only lightly administered.[24]

While the dispute could be interpreted as a peripheral debate about terminology, for many northern nationalists, federalism represented the ultimate defeat of the goal of a united Sudan overcoming artificial divisions imposed on it by colonial rulers. That the emerging southern Sudanese interpretation of the past created in them a strong need for autonomy, only exacerbated after independence, was a difficult concept to consolidate easily within this worldview for reasons pertaining as much to the northern national identity as to the practical difficulties of such an arrangement.[25] Moreover, this situation directly affected Sudanese democratic prospects. In describing the perils of democratising post-colonial states in Africa, Shephard phrases the dilemma succinctly: 'In a country without national consciousness, democracy is

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[22] Holt, *A Modern History of the Sudan*, 150. For example, a pamphlet published in 1947 by the colonial government referred to a 'policy aiming to give the south the same chances of ultimate self-determination as have been promised to the north'.

[23] Jeffrey Herbst. *States and Power in Africa: Comparative Lessons in Authority and Control.* Princeton, New Jersey: Princeton University Press, 2000, 97, 100.

[24] Woodward, Sudan, *1898-1989: the Unstable State*, 26, 33. The last major Dinka uprising was finally put down in 1927 after the British launched a punishing campaign involving torched villages, massacred cattle herds, and aerial bombing. Collins, *Shadows in the Grass*, 131, 146. There was no record of any British official even visiting western Nuerland until the mid-1920s, and sustained resistance in this area lasted until 1930.

[25] Abel Alier. *The Southern Sudan: Too Many Agreements Dishonoured.* Exeter, Devon, UK: Ithaca Press, 1991, 99.

made very difficult, for force becomes necessary to achieve national ends.'[26] Northern identity at independence did not initially seem incompatible with the democratic process. The mechanics of free elections have been held without corruption during each of the parliamentary eras. However, Idris suggests that when parliamentary governments proved unable to impose the Arab Muslim identity upon the south, it was not unacceptable for a northern nationalist such as Abdullah Khalil to allow the military to intervene to try, as occurred in 1958.[27] Similarly, the need to complete the national project regardless of the impact such policies would have on democracy and self-government became a primary issue in what would become the debate over a federalized government.[28]

THE EVOLUTION OF SOUTHERN DEMANDS FOR AUTONOMY IN THE FIRST WAR

A discussion of southern identity is best preceded by a review of southern interaction with the various regimes in Khartoum during the first war. The long evolution of southern demands for some formal recognition of autonomous status began before independence, and faced opposition at virtually every step by the government. However, early southern calls for autonomy were not made to prepare the south for secession, but to seek some special protective status recognizing the region's backwardness.[29] In the years following the 1947 Juba Conference, which included southern MPs in the Legislative Assembly for the first time, southerners sought guarantees of a permanent recognition of their distinct status within Sudan. As plans for Sudanese self-government were being drafted in 1952, southern representatives pushed for the position of a Minister of the Southern Provinces to be included in the cabinet, and a special board to be set up for the region with members appointed to it by regional governors. These positions were a recommendation the Marshall Report,

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[26] George W. Shepherd. *The Politics of African Nationalism: Challenge to American Policy.* New York: Praeger, 1962, 91.

[27] Amir Idris, *Sudan's Civil War: Slavery, Race and Formational Identities.* New York: Edwin Mellen Press, 2001, 109. Joseph Oduho and William Deng, *The Problem of Southern Sudan.* London: Oxford University Press, 1963, 36-37. The authors quote a statement made by former Prime Minister Abdullah Khalil three days after the *coup* which overthrew him in which he said 'this country is not yet ready for democracy; I have therefore decided, at the suggestion of my advisers, to hand the reins of this country to the army'.

[28] Abu Baker El Obeid, *Political Consequences of the Addis Ababa Agreement.* Stockholm: Liber Tryck, 1980, 18, 84, 137. El Obeid cites Rafra Hassan Ahmed, who argues that Sudan needed to achieve security and national identity before federalism could be implemented.

[29] Woodward, Sudan, *1898-1989: the Unstable State*, 73.

a government document issued in 1949 detailing the most effective way to modernize Sudan's administration, shared. Northerners objected that this would weaken the newly created office of Prime Minister, establishing dual cabinets and becoming a step backwards towards the Southern Policy.[30]

Advocacy of federalism became an early vehicle for the emerging southern political consciousness. During the elections of 1953, northerners made many promises to southerners concerning their status in an independent Sudan that they later proved unable to keep, especially promises concerning southern representation nationally. Southern resentment over 'broken promises' from northerners would remain a theme of the conflict, as soon after independence southerners felt northerners did not hold to their vow to consider a federation status for Sudan in the Constituent Assembly.[31] Khartoum was unable to frustrate southern conferences in support of federalism in 1954 and 1955, and so made statements promising southerners that their concerns would be taken into account.[32] In December 1955 the southern members of parliament overcame their misgivings and voted for independence, but only after the other members of parliament passed a resolution saying a future constitution would be mindful of southern views.[33] The subsequent rejection of a federal constitution by the constitutional committee in September 1956 and regional autonomy for the south in December 1957 were viewed by southerners as breaches of trust by the

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[30] Al-Rahim, *Imperialism and Nationalism in the Sudan*, 198-199. 'Opponents [of a federal government] also claimed that the south was no more backward than the Nuba Mountains or the Beja area in eastern Sudan or Darfur.' Instead, the south was to be guaranteed a ministerial position in the cabinet, later raised to three by the time the Transitional Constitutions was drafted.

[31] Francis Mading Deng, *Africans of Two Worlds: The Dinka in Afro-Arab Sudan.* New Haven, Connecticut: Yale University Press, 1978, 160. Abdel Salam Sidahmed and Alsir Sidahmed. *Sudan: The Contemporary Middle East.* London: Routledge, 2005, 38. Sidahmed, *Politics and Islam in Contemporary Sudan*, 54.

[32] Cecil Eprile, *War and Peace in the Sudan 1955-1972.* London: David & Charles, 1974, 39. Sidahmed, *Politics and Islam in Contemporary Sudan*, 54. Ann Mosely Lesch. *The Sudan: Contested National Identities.* Bloomington: Indiana University Press, 1998, 35. Holt, *A Modern History of the Sudan*, 167. Deng, "Green is the Color of the Masters: The Legacy of Slavery and the Crisis of National Identity in Modern Sudan," 33. Johnson, *The Root Causes of Sudan's Civil Wars*, 27. Oduho and Deng, *The Problem of Southern Sudan*, 27, 31.

[33] Said, *The Sudan: Crossroads of Africa*, 82. "Nationalism, Federalism and Self-Determination in a Multi-Polar Sudan." *Committee of the Civil Project.* Issue Paper F-3, 3. Abdel-Rahman Abdalla and Robert Fancher. *Sudan: Integration or Disintegration.* Edison, New Jersey: Transaction, 2001, 88. Sidahmed, *Politics and Islam in Contemporary Sudan*, 82. Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 23. Oliver Albino, *The Sudan: A Southern Viewpoint.* London: Oxford University Press, 1970, 1970, 39. Peter Nyot Kok. *Governance and Conflict in the Sudan 1985-1995: Analysis, Evaluation and Documentation.* Berlin: Deutsches Orient Institut, 1996, 133. Salah El-Zain, "Articulation of Cultural Discourses and Political Dominance in Sudan." *Respect* 1:2, (March 2006), 3. Ali Suliman Fadlalla. "The Search for a Constitution." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 43.

government, and radicalized some by increasing the attractiveness of separatist causes.[34]

Despite such resistance from Khartoum, after federalist candidates swept almost all southern seats in the 1957 elections, federalist momentum seemed poised to spread throughout other regions of Sudan. By 1958, interest in federalism was no longer confined only to the south; Khartoum was receiving similar pressure from remote northern areas such as Darfur, the Beja Regions and the Nuba Mountains. On the day of the Abboud *coup*, a large conference in Darfur was to be held in which it was expected the Fur leadership of that region would also endorse federation.[35] This development would have marked a significant turning point: in the past the government had been effective at persuading parliamentary delegations from marginalized areas in the north to support anti-federalist initiatives by invoking Islamic solidarity.[36] The cause of federalism had therefore become a direct challenge to Islam as a state-building tool. Southern federalists were becoming more disciplined, and learning to cooperate with MPs from other regions. Under the new parliament in March 1958, the south was given 46 seats out of 173. Forty of these formed the Federation Bloc, an increasingly well-coordinated group of federation advocates. Abdullah Khalil formed a coalition government from his Umma and the *Khatmiyya*-aligned PDP. Three southern ministers were appointed to minor positions

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[34] Warburg, *Islam, Nationalism and Communism in a Traditional Society*, 105. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 38. Sidahmed, *Politics and Islam in Contemporary Sudan*, 54. Lesch, *The Sudan: Contested National Identities*, 35, 37. Edgar O'Ballance. *Sudan, Civil War and Terrorism, 1956-99*. New York: St Martin's Press, 2000, 11. Said, *The Sudan: Crossroads of Africa*, 73, 92. Kok, *Governance and Conflict in the Sudan 1985-1995*, 133. "Nationalism, Federalism and Self-Determination in a Multi-Polar Sudan," 3. Deng, *War of Visions: Conflict of Identities in the Sudan*, 137. Fadlalla, "The Search for a Constitution," 43. Kok, *Governance and Conflict in the Sudan 1985-1995*, 120. Oduho and Deng, *The Problem of Southern Sudan*, 34. Albino, *The Sudan: A Southern Viewpoint*, 29, 36. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 74. In September 1956 the National Assembly appointed a committee to draft a national constitution. Only three of its 46 members were southerners, and when those members repeated the standard southern demand for a federal constitution, they were simply outvoted. In retaliation, they walked out of the committee and boycotted the remaining sessions. Sharkey, "Arab Identity and Ideology in Sudan: The Politics of Language, Ethnicity, and Race," 35. Separatism was not the only radical gesture taken by southerners during this period: more direct challenges to the Arab-Islamic nationalism of the north also became prevalent. In 1957 a 'Southern Federal Party' issued a manifesto calling for recognition of English along with Arabic as an official language; Christianity along with Islam as a state religion; and 'the transfer of the Sudan from the Arab world to the African'. The central government responded to the manifesto by sentencing its author to seven years in prison for sedition.

[35] Warburg, *Islam, Nationalism and Communism in a Traditional Society*, 154. Albino, *The Sudan: A Southern Viewpoint*, 43. Peter Russell and Storrs McCall. "Can Secession Be Justified? The Case of Southern Sudan." *The Southern Sudan: The Problem of National Integration.* Ed. Wai, Dunstan M. London: Frank Cass, 1973, 100. Oduho and Deng, *The Problem of Southern Sudan*, 35. Johnson, *The Root Causes of Sudan's Civil Wars*, 30. Sidahmed, *Politics and Islam in Contemporary Sudan*, 82.

[36] Lesch, *The Sudan: Contested National Identities*, 37.

in the cabinet. However, they were not members of the Liberal Party, which at the time was by far the dominant coalition of southern politicians. This incident caused dismay among southern MPs, as the great majority had united in that party purposely to enhance southern power. In retaliation they were prepared to vote with the northern opposition groups, particularly on issues which concerned the south, thereby helping to render Abdullah Khalil's government ineffective.[37] A general strike organized in 1958 led to a collapse of faith in the government and its complete paralysis.[38] Khalil, unable to govern and possibly fearing Egypt might find a way to take advantage of this parliamentary chaos, allowed the army to take the reigns of power away from politicians.[39]

The authoritarian nature of the dictatorship increased both the radical nature of southern demands and southern willingness to use violence to achieve them. Any possibility of a suspension of the nationalist nation-building project for the sake of federalism was halted in 1958 by the Abboud military *coup*. The new junta was disdainful of the idea of federation, which was the antithesis of its unitary, authoritarian vision for Sudan.[40] However, the regime's aggressive nation-building efforts would invigorate the debate over southern autonomy in a way southern politicians had been unable to do, primarily by radicalizing previously uninvolved southerners. Like many post-colonial African states, the very weakness of Sudan's

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[37] Holt, *A Modern History of the Sudan*, 177. Daly, "Broken bridge and empty basket," 5. Deng, *War of Visions: Conflict of Identities in the Sudan*, 13. Kok, *Governance and Conflict in the Sudan 1985-1995*, 133.

[38] Ahmed Hassan El Jack and Chris Leggett. "Industrial Relations and the Political Process". *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 25.

[39] Fatma Babiker Mahmoud. "Businessmen and Politics." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 13. Benaiah Yongo-Bure. *The Economic Development of Southern Sudan.* Lanham, Maryland: University Press of America, 2007, 11. Adam M. Abdelmoula. "An Ideology of Domination and the Domination of an Ideology: Islamism, Politics and the Constitution in the Sudan." *Religion, Nationalism and Peace in Sudan.* US Institute of Peace, Washington DC. 16 September 1997. Daly, "Broken bridge and empty basket," 5. Deng, *War of Visions: Conflict of Identities in the Sudan*, 13. Oduho and Deng, *The Problem of Southern Sudan*, 37. Albino, *The Sudan: A Southern Viewpoint*, 42. Woodward, "Military-Civilian Relations," 66. Khalil had himself been an army officer, which may have reassured him that the new junta would be reliable. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 36. While Khalil was of the Umma Party, the *Khatmiyya* also gave the new regime some backing, with its patron Ali Al-Mirghani, being the first to issue a statement supporting the *coup*.

[40] Sidahmed, *Politics and Islam in Contemporary Sudan*, 71. Scopas S. Poggo. "General Ibrahim Abboud's Military Administration in the Sudan, 1958-1964: Implementation of the Programs of Islamization and Arabisation in the Southern Sudan." *Northeast African Studies* 9:1 (2002), 72.

state power has allowed marginalized peoples a degree of *de facto* autonomy.[41] Discussion of federalism began as an abstraction confined primarily to southern politicians and elites. Abboud, perhaps more than any other Sudanese leader, seemed completely oblivious to the dynamics of the south. In his narrowly authoritarian concentration on infrastructure and order, he committed avoidable indignities against the peoples of the region, needlessly solidifying opposition to the government there. For example, in 1961 his regime annexed the resource-rich Bahr el-Ghazal region of Hofrat el-Nahas to Darfur, the rationale being that to leave such a valuable area under administration of a southern province might actually *encourage* secession. The implementation of this policy was politically insensitive enough to enrage southerners across the region.[42] Abboud's regime was therefore characterized by the self-fulfilling prophecy of increased southern coordination of resistance, culminating in the formation of united political opposition in 1962 and the Anya Nya in 1963.[43] By the time his junta collapsed, the entire south was in revolt, and it was not just hatred of Abboud but of northern administration generally that united southern insurgents.[44] Abboud attempted to centralize government in the south in the hopes that with more control would come stability, and therefore security.[45] These simplistic efforts to quash separatism in the south inevitably targeted the most articulate and high profile champions of separatism – the south's small class of intellectuals. Educated

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[41] Ted Robert Gurr. "Minorities and Nationalists: Managing Ethnopolitical Conflict." *Turbulent Peace: The Challenges of Managing International Conflict.* Eds. Crocker, Chester A., Fen Osler Hampson and Pamela Aall. Washington DC: United States Institute of Peace Press, 2003, 166. Idris, *Conflict and Politics of Identity in Sudan*, 20. Herbst, *States and Power in Africa*, 18-19, 195. Sudan's tension between the urban administrative center vying for control of the state and the peasants in remote areas seeking to assert their own independence of the state is a variation of a process found throughout much of post-colonial Africa, exaggerated in Sudan by the ethnic and religious differences. Herbst describes this situation as a 'rough equilibrium' in which the state cannot penetrate into the rural areas and those rural populations have not been able to challenge the central basis of the state, at least not through conventional politics.

[42] Sidahmed, *Politics and Islam in Contemporary Sudan*, 71.

[43] Mohamed Omer Beshir. *The Southern Sudan: From Conflict to Peace.* London: C. Hurst & Company, 1975, 140. Idris, *Conflict and Politics of Identity in Sudan*, 51. Mom Kou Nhial Arou, "Devolution and the Southern Problem in the Sudan." *Post-Independence Sudan.* Ed. C. Allen. Edinburgh, University of Edinburgh, 1981, 122. Mohammed Beshir Hamid. "Aspects of Sudanese Foreign Policy: 'Splendid Isolation', Radicalisation and 'Finlandisation'." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 128. Amir Idris, *Sudan's Civil War: Slavery, Race and Formational Identities.* New York: Edwin Mellen Press, 2001, 111. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 94, 95. Albino, *The Sudan: A Southern Viewpoint*, 56. Elias Nyamlel Wakoson. "The Southern Sudan: the Political Leadership of the Anya-Nya Movement." *Post-Independence Sudan.* Ed. C. Allen. Edinburgh, University of Edinburgh, 1981, 96-97. Wakoson notes that SANU was more effective at propaganda efforts than at providing political leadership to the Anya Nya.

[44] Sidahmed, *Politics and Islam in Contemporary Sudan*, 73, 82.

[45] Woodward, *Sudan, 1898-1989: the Unstable State*, 121. Kok, *Governance and Conflict in the Sudan 1985-1995*, 125. Beshir, *The Southern Sudan: From Conflict to Peace*, 140. Beshir argues that strong centralization during these years actually aggravated the problem to the extent that the previously disorganized guerrilla movement started becoming more cohesive.

southerners were viewed with suspicion, especially politicians. In December 1960, an alleged government plot to carry out mass arrests of southern politicians on Christmas Eve was discovered, which caused many of them to escape the country.[46] As refugees in the Congo they formed, in February 1962, the political exile group eventually known as the Sudan African National Union (SANU).[47] Attempts to build a domestic Sudanese branch of SANU resulted in a rival organization, the Southern Front.[48] The insurgents still fighting in the south remained ensconced in the remote areas of Equatoria and were unconnected to either party.

After the fall of Abboud in 1964, federalism entered the national conversation yet again. While little measurable progress was made at the 1965 Round Table discussions to resolve the war, the forum served as a valuable outlet for the articulation of concerns of the respective parties. In contrast to their dismissive attitude towards southern concerns immediately following independence, northerners were now obliged to articulate their own trepidations about federalism. Southern representatives at the conference started with their highest demands, which were scaled down with increasing frustration. Initially they advocated a plebiscite in the south allowing unity, federation or separation, but northerners rejected that proposal. Their next preference was for a confederate alternative with separate administration and armies for the north and south, but northerners dismissed this option as well. While southerners championed a loose version of federation, northerners said they would at most accept nationwide regional devolution.[49] Khartoum rejected self-determination on principle, since the government argued that 'no one section of the country had the right to self-determine itself into secession.'[50] Federalism proper, involving several official tiers of government with full-time employees, was seen as a

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[46] Eprile, *War and Peace in the Sudan 1955-1972*, 21.
[47] Eprile, *War and Peace in the Sudan 1955-1972*, 92. Albino, *The Sudan: A Southern Viewpoint*, 45. Arou, "Devolution and the Southern Problem in the Sudan," 122. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 94. Poggo, "General Ibrahim Abboud's Military Administration in the Sudan, 1958-1964," 82.
[48] Woodward, *Sudan, 1898-1989: the Unstable State*, 107.
[49] Hamid, "Aspects of Sudanese Foreign Policy," 128. Mohammed Beshir Hamid. "Devolution and National Integration in the Southern Sudan." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset, UK: Gower Publishing, 1986, 168. Steve Odero Ouma. *Federalism as a Peacemaking Device in Sudan's Interim National Constitution.* M.A. thesis. University of the Western Cape, 2005, 21. Beshir, *The Southern Sudan: From Conflict to Peace*, 20. Arou, "Devolution and the Southern Problem in the Sudan," 126.
[50] Hamid, "Aspects of Sudanese Foreign Policy," 128. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 84.

drain on Sudan's scarce resources. Northerners did not believe that a state with such poor roads, communications and general infrastructure could support federalism.[51] The lack of national integration also led to concerns that it would foster excessive localism, distracting from Sudan's national identity and cohesiveness.[52] Finally William Deng, at that point a renegade from the exiled SANU group, proposed a weaker federal system, but other southerners objected to this compromise and the meeting broke down.[53] In order to salvage something from the conference, it was agreed that a twelve-man committee should be put forth to examine options discussed and report back with their recommendations.

After almost a decade of war had radicalized the parties politically, southerners and northerners found they were negotiating from different ends of the spectrum of regional government. However, the twelve-man report issued in September 1966 as a follow-up to the Round Table meeting began to lay the template of principles which would later be adapted by the Addis Ababa Agreement, and included some early concessions from northern politicians such as the Islamist Hassan Al-Turabi. The report declared that a unitary national government was not appropriate for Sudan, but that committee members could not agree on any alternative.[54] Most importantly, it stated that in order to solve the southern problem, the region would have to be treated differently from the other remote areas 'where no such problem has arisen', and

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[51] Hamid, "Aspects of Sudanese Foreign Policy," 128. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 18, 84, 137. Christopher R. Mitchell. "Conflict Resolution and Civil War: Reflections on the Sudanese Settlement of 1972." Center for Conflict Analysis and Resolution. George Mason University, Washington DC. August 1989, 33. Herbst, *States and Power in Africa*, 84, 149, 163, 166. Herbst cites a UN report which asserts that while river and railroad were the most widely used lines of transportation, it was roads upon which local society could depend, which connected farms to markets and laid the foundation for further exploration of remote regions. In accordance with this theory, Sudan's meager road network contributed to its lack of integration as a state. In 1997 it was regarded as having the lowest road density of any state in Africa. Sudan is by far the least densely populated state in Africa.

[52] El Obeid, *Political Consequences of the Addis Ababa Agreement*, 84-85. El Obeid writes that northerners at this time also rejected federalism on the grounds that Sudan's underdevelopment meant that the federal principle that local areas have primary authority over the use and control of their resources would be counterintuitive.

[53] Woodward, *Sudan, 1898-1989: the Unstable State*, 113. Albino, *The Sudan: A Southern Viewpoint*, 51. Severino Fuli Boki Tombe Ga'le. *Shaping a Free Southern Sudan: memoirs of our struggle, 1934-1985.* Torit, Sudan: Loa Catholic Mission Council, 2002, 376. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 88. Wakoson, "The Southern Sudan: the Political Leadership of the Anya-Nya Movement," 98-100. The divisions in the SANU movement reached their apex with the collapse of Abboud's regime. SANU co-founder William Deng accepted the new governments overtures to return to Khartoum to attend the Round Table conference in 1965, while Aggrey Jaden, Joseph Oduho and others opted to remain in exile in Kampala.

[54] *Report of the 12 Man Committee 1966, Introduction,* Section 6. Warburg, *Islam, Nationalism and Communism in a Traditional Society*, 155.

might be entitled to different administrative arrangements as a result.[55] This statement was the first indication of northern appreciation for the uniqueness of southern Sudan, and the delegates at Addis Ababa in 1972 would use the report as a template for their own agreement.[56] However, in 1966, northern and southern committee members could not clarify the relationship between the document's proposed regional and national governments, or determine whether the south should remain split into the three traditional provinces or become an enormous, united region as southerners preferred.[57] Throughout the premiership of Sadiq Al-Mahdi from 1966 to 1967, southerners pushed for their region to be represented as one unit, regardless of the composition of the national government. This was in order to pool resources and services, southerners argued. Northerners, on the other hand, argued that the south was too large to be one administrative region, and instead pushed for administration along the borders of the traditional three southern provinces.[58]

There is evidence that the 1960s parliamentary government recognized the significance of the demands for autonomy for southerners, even if it was unable to resolve the problem. A draft constitution put forward in 1967 was disparaged in the south for its Islamic bent, but the document also laid out a regional system of government as part of an effort to settle unrest in the south over centralized rule, discontent which by then was complemented politically in remote northern regions by groups such as the Beja Congress and the General Union of Nuba.[59] This solution

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[55] *Report of the 12 Man Committee 1966, The Relationship Between Central and Regional Authorities: The Regional Geography,* sections 1, 3a-c. Beshir, *The Southern Sudan: From Conflict to Peace*, 19.

[56] Woodward, *Sudan, 1898-1989: the Unstable State*, 142.

[57] *Report of the 12 Man Committee 1966, The Relationship Between Central and Regional Authorities: The Regional Geography*, sections 1 and 2. Southern committee members proposed a four or six region division of the state, with the south to remain united in a Southern Region. Northern members proposed retaining the traditional nine provinces, with the south to stay divided into the provinces of Bahr Al-Ghazal, Upper Nile, and Equatoria. Bona Malwal. *The Sudan: A Second Challenge to Nationhood.* New York: Thorton Books, 1985, 18. Malwal notes that when the issue of the head of a regional government in the south had been discussed at the 1965 Round Table talks, an impasse was reached over whether the head should be appointed by Khartoum, as northerners wanted, or elected by southerners, as southerners preferred. The southern position was finally accepted at the AAA negotiations in 1972.

[58] El Obeid, *Political Consequences of the Addis Ababa Agreement*, 92, 93. Northerners argued that large-scale development in the south should be controlled centrally from Khartoum anyway, nullifying a key southern rationale for one large, semi-autonomous southern region. El Obeid also explains that, for northerners, 'any situation that gives any hint of eventually realizing a sort of separation should be avoided.'

[59] R.K. Badal. "The Rise and Fall of Separatism in Southern Sudan." *African Affairs* 75:301 (1976), 468. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 93. Sharkey, "Arab Identity and Ideology in Sudan: The Politics of Language, Ethnicity, and Race," 25. Robert O. Collins. "Civil Wars in the Sudan." *History Compass* 5:6 (2007), 1792. Ahmed Alawad Sikainga. "Northern Sudanese political parties and the civil war." *Civil War in The Sudan.* Eds. Daly, M.W. and Ahmad Alawad Sikainga. London: British Academic Press,

was inadequate to southern insurgents by this point in the war in part because its nationwide scope did not allow the south to consolidate its strength in relation to other provinces by forming a united region. More importantly, the Maghoub government's brutal suppression of revolt in the south alienated southerners to the effect that they opposed the measure outright. However, at the Addis Ababa talks in 1972, the SSLM argued again for federation with four regions to be established in the north, south, east and west of Sudan. The May Regime negotiators refused, and by this time there was less vocal support for federation in Darfur, the Beja regions and other marginalized areas than there had been at independence.[60] Eventually, southern negotiators were persuaded to abandon federalism proper in favor of an exclusively autonomous south. Once again, the unique status of the south was underscored, as it was the only region of Sudan which consistently sought some autonomy in administration. Jaafar Bakheit, a negotiator at Addis Ababa, had been the architect of the regional government component of the agreement and had hoped to duplicate this system in regions across the Sudan as a national reorganization of local government.[61] However, the May Regime would not introduce such a program until 1980, when it suited Nimeiri's political objectives of devolution. At that point, many southerners would view it as a challenge to the recognition of southern uniqueness, a protection which they had relied on under the AAA to keep the Muslim-majority areas of Sudan from 'ganging up' on the south.

1993, 80. El-Zain, "Articulation of Cultural Discourses and Political Dominance in Sudan," 3. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 143. Fadlalla, "The Search for a Constitution," 46. Draft proposals being considered allowed for each of the nine provinces of Sudan to establish its own regional council.

[60] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 99. Joseph Lagu. *Sudan: Odyssey Through a State (From Ruin To Hope)*. Khartoum: M.O.B. Center for Sudanese Studies, 2006, 252. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 123. Dunstan M. Wai. *The African-Arab Conflict in the Sudan.* Teaneck, New Jersey: Holmes & Meier Publishers Inc, 1981, 156. Elias Nyamlel Wakoson. "The politics of Southern self-government 1972-1983." *Civil War in The Sudan.* Eds. Daly, M.W. and Ahmad Alawad Sikainga. London: British Academic Press, 1993, 34. Hizkias Assefa. *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict.* Boulder, Colorado: Westview Press, 1987, 121, 135. The government argued that it was outside the purview of the SSLM to advocate for other regions of the state.

[61] Woodward, *Sudan, 1898-1989: the Unstable State*, 146. Dunstan M. Wai. "The Sudan: Domestic Politics and Foreign Relations under Nimeiry." *African Affairs* 78:312 (July 1979), 305. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 134-135. According to Burgess Carr, the government began its presentation at the Addis Ababa discussions with the Bakheit model of autonomy, which was in keeping with the authoritarian structures of the May Regime, but allowed for decentralization. Apparently, the government wanted to start with this rigid model, then barter down to a more democratic framework like the model composed by Abel Alier. Wai, *The African-Arab Conflict in the Sudan*, 156. Arou, "Devolution and the Southern Problem in the Sudan," 133. Mansour Khalid. *The Government They Deserve.* London: Kegan Paul International, 1990, 269-270. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 135. The SSLM, on the other hand, sought to advocate for a four-state plan, then to push for a two state model if the first idea was not acceptable. The objective was to ensure that the south was not cornered by an imbalance of northern power.

The AAA compromise was a system of regional autonomy, a *de facto* federal system that avoided some aspects of federalism, partly by design and partly as a by-product of the autocratic nature of the May Regime. The label of federalism was also avoided because of its connotations to northerners, but the components of decentralization were to some degree addressed, at least initially.[62] The ultimate task of the AAA was to reconcile the respective visions of northern and southern Sudanese as illustrated above. Once it had been accepted in the 1966 Twelve Man Committee memo by northern nationalists of all persuasions that unitary government was unacceptable for the state, northerners had to resolve a new conflict within their own vision of a united Sudan: should the south become part of a new federal structure, with other remote regions such as Darfur and the Nuba Mountains given a similar amount of regional autonomy, or would its uniqueness in Sudan be recognized, and its autonomous administration be withheld from other parts of the state?

Out of concern that it could be a launching point for future secessionist movements, both military and civilian regimes during the first war rejected the idea of a federal Sudanese government. Northerners also realized the precedent might mean bestowing similar rights to Darfur or the Nuba Mountains, both of which had periodically supported a decentralized national government.[63] Nimeiri, like sectarian parties before him, also feared that acquiescing to such demands would cost the regime support in the central, riverine region. Therefore, it was best to frame the southern problem as 'an imperialist remnant', not as the platform for further government decentralization.[64] Of course, there were drawbacks to accepting a unique status for the south. Northern nationalists had been wary of creating a north-south federation after independence specifically because they did not want to set up what could be seen as a permanent confrontation between the two regions. Northern nationalists feared not only the separatist potential of federalism, but also the formation of an autonomous Southern Region which some felt might 'perpetuate the

[62] Lesch, *The Sudan: Contested National Identities*, 47. Wai, *The African-Arab Conflict in the Sudan*, 158. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 50. El Obeid believes that the National President's role so transcended that of the National Assembly after the AAA that the agreement was indeed a system of federalism with the Regional and National Assemblies representing the north and south of the state, with the National President presiding over both.

[63] Badal, "The Rise and Fall of Separatism in Southern Sudan," 471.

[64] Warburg, *Islam, Nationalism and Communism in a Traditional Society*, 154.

sense of confrontation between North and South'.[65] There were also reservations about formalizing the south's unique status, which many northerners still regarded as a humiliating colonial remnant. May Regime negotiators ultimately opted for a unique status for the south as opposed to a federal system, both because of the cost of setting up various federal structures and because of the colonial history of the term 'federalism', the implied antithesis of an integrated state. In addition, the autocratic May Regime also may have been loath to cede too much power to regions in the north while still establishing itself after its 1970 suppression of the sectarian movements which still retained support in those areas.[66]

The AAA recognition of the south's uniqueness among the remote regions of Sudan was important in that it demonstrated that northern negotiators understood the aspirations of early southern nationalism, even if they did not recognize the legitimacy of that nationalist movement. However, relationships between the south and the rest of the state had deteriorated so rapidly that some level of recognition was essential to any agreement. During the early post-colonial years, while relations between northern factions were usually of a political dimension, relations between northern factions and the south increasingly assumed a military nature. 'The difference between North-South and North-North counteraction to the encroaching cultural assimilation is one of a kind rather than one of degree'.[67] The importance of resisting assimilation by force was a key element to understanding the foundations of southern identity. Northern understanding that southerners would take up arms to defend their autonomy in a capacity that other marginalized Sudanese would not was the reason that region alone received regional autonomy in 1972.

THE FOUNDATIONS OF SOUTHERN IDENTITY

Northern nationalism had no counterpart in the south, where the heightened drive towards state-building and the economic disparity with the north were of more immediate concern than the need for independence. What increasingly united

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[65] *Report of the 12 Man Committee 1966, The Relationship Between Central and Regional Authorities: The Regional Geography*, section 4d.
[66] Wai, "The Sudan: Domestic Politics and Foreign Relations under Nimeiry," 301.
[67] El-Zain, "Articulation of Cultural Discourses and Political Dominance in Sudan," 4.

southerners was discontent with their status compared to northerners and frustration at their inability to change it. Southern concerns over their near exclusion from the Sudanization process by which Sudanese replaced British in administrative roles were greeted with indifference by both northerners and the British.[68]

It was into this environment that southern political consciousness was borne. Woodward speculates that 'an awareness of national politics in the south probably would not have emerged at all after World War Two if party developments had not been taking place in the north'.[69] The first war essentially forged the foundation of a shared southern identity in a way previous experiences had not been able to. Despite decades spent trying to insulate the region from Arab and Muslim influence, British moves to create a 'southern' identity had never been particularly successful. The British were careful not to upset traditions or interfere with religion in the north to the extent practical, but showed less deference to southern culture. In the south, Christian missionaries attempted to introduced education, language and particularly religion to the southern Sudanese. It was hoped that allowing missionaries into the region would both civilize southerners and win their confidence, though British administration made sure to confine the Christian presence to the south so as not to antagonize northern Muslims into a renewed insurrection.[70] The state sought to remain impartial to the areas in which missionary societies operated, as long as they were Christian and stayed in their own allotted 'spheres'. In effect, the missionaries were to administer large portions of the south so the colonial government would not have to spend its own resources to do so.[71] However, the few missionaries allowed into the region ultimately had an uneven impact on southern spirituality, and the region's poor infrastructure prohibited them from travelling enough to compensate for their low numbers.[72] Southerners originally resisted missionaries but, as with

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[68] Hamid, "Aspects of Sudanese Foreign Policy," 127. Najmal Abdin. "Administrative Reform, 1956-1981." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 84.

[69] Woodward, *Sudan, 1898-1989: the Unstable State*, 72.

[70] Al-Rahim, *Imperialism and Nationalism in the Sudan*, 72.

[71] Collins, *Shadows in the Grass*, 201. Al-Rahim, *Imperialism and Nationalism in the Sudan*, 72. The need for help in administering the south became even more obvious when the Lado enclave was returned by the Congo to the Sudan following the death of Belgium's King Leopold in 1910. The administration and defense of even more territory was considered a 'serious tax on the slender resources of the government'.

[72] Woodward, *Sudan, 1898-1989: the Unstable State*, 71. Albino, *The Sudan: A Southern Viewpoint*, 108-109. Albino asserts that while Christianity did not penetrate the south deeply, Western habits associated with the

British administration, their presence was eventually accepted. Most of the missionaries were not themselves British, but Americans, Italians, Australians and New Zealanders.[73]

The geographic nature of the south has played an enormous part in its unique political evolution. Many southern tribes were isolated from outside threats by swamps and forests, making the evolution of more centralized institutions among large peoples such as the Nuer and Dinka unnecessary.[74] The links with the center were weaker than those in other peripheral areas like the Red Sea Hills, Nuba Mountains and Darfur.[75] By the 1960s, the weak economic conditions in all these remote areas, in contrast to the growing commercial strength in urban areas such as Khartoum and Omdurman, gave rise to regional parties such as the General Union of the Nuba, the Darfur Development Front and the Beja Congress.[76] Though southern equivalents such as SANU and the Southern Front also appeared, alienation in that region was severe enough that armed rebellion was seen as a legitimate alternative to the political process. The war itself was a benchmark in denoting the south's unique status in any future Sudan. Despite the existence of several marginalized areas across the nation, none had felt so disenfranchised by the state that they had resorted to a sustained insurgency.

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religion, such as not working on Sunday and celebrating Christmas, did. Deng, *War of Visions: Conflict of Identities in the Sudan*, 19. Deng argues that these limitations on missionary activity in the south perpetuated a notion not of Christianity, but of separation of church and state among educated southerners, further differentiating nascent southern from northern nationalism.

[73] Deng, *War of Visions: Conflict of Identities in the Sudan*, 83. Deng suggests that this diversity allowed southerners to come into contact with Western influence apart from the meager British administration in the region, and as a result southerners had direct exposure to the West that was less available in the north, where such contact was still channelled into a more rigid British-Sudanese dichotomy.

[74] Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 33. Woodward, *Sudan, 1898-1989: the Unstable State*, 71. Traditional Nilotic decentralization may also explain the lack of urgency in building relations between state and society, and the slow formation of political parties in those areas.

[75] Woodward, *Sudan, 1898-1989: the Unstable State*, 134.

[76] Woodward, *Sudan, 1898-1989: the Unstable State*, 134. El-Zain, "Articulation of Cultural Discourses and Political Dominance in Sudan," 3. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 143. R.S. O'Fahey. "Islam and Ethnicity in the Sudan." *Journal of Religion in Africa 26*:3 (August 1996), 265. O'Fahey, interview. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 93, El Obeid notes that these groups did not 'constitute political parties in the classical sense but were confederations of local groupings with limited objectives and limited political activities.' Telephone interview by the author with R.S. O'Fahey, 2009, Oslo. O'Fahey describes how, during the 1960s parliamentary era, these groups attempted to form an alliance of non-Arab political parties, a 'Black Block', but were unable to do so because religious and geographic differences were too substantial. As a result, non-Arab groups would not see an inclusive nationalist movement until the rise of the SPLA in the 1980s.

Long-term integration at the most basic levels of interaction would have reduced mistrust between Sudanese but was not a priority for the colonial administration. The British ambivalence towards the integration process, at least in government and the military, ended southern ambivalence towards inclusion in Sudan, but did not spark any regional consciousness. Instead, while the British created southern Sudan as a distinct administrative unit, southern relations with the north created its common regional identity. Southern nationalism was a response to the second wave of northern nationalism, not colonial rule.[77] The origins of the first civil war have much in common with ethnic tensions that would define other post-colonial conflicts where minorities or disenfranchised groups preferred colonial administration to that of rival ethnicities.[78] British slights against southerners did not focus hatred against the Condominium. Even well-intentioned northern administrators in the south after independence could hardly compete with the British, who had better ties with missionaries, better knowledge of indigenous languages, and even the capability to play mediator between southern chiefs and southern politicians.[79] The Sudanization process, by shutting out southerners from almost all administrative roles, was seen by southern nationalists as a 'new, internal colonialism'.[80]

While the small class of northern intellectuals - as opposed to traditional elites - usually championed nationalism in the north - just the reverse was the case with regards to southern nationalism. Following World War Two, it was the southern intellectuals who were most receptive to southern integration while the north and southern tribal elites were most suspicious. However, the nature of north-south

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[77] Woodward, *Sudan, 1898-1989: the Unstable State*, 72. Telephone interview by the author with Peter Woodward, Reading, 2007. Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 7. Idris, *Conflict and Politics of Identity in Sudan*, 47. In this context, southern resistance was viewed by northern nationalists as a byproduct, if not an extension, of colonialism. El-Affendi, "Discovering the South: Sudanese Dilemmas for Islam in Africa," 372. El-Affendi notes what he sees as the southern perception of itself as being a negative one, ultimately southerners see themselves as nothing more than non-northerners. Deng, *War of Visions: Conflict of Identities in the Sudan*, 67. Deng points out that confrontation with the south may also have contributed to the unity and cohesion of northern Sudan, augmenting and revitalizing that older nationalist movement.

[78] Shepherd, *The Politics of African Nationalism*, 91. Shephard notes a similar situation in Ghana, the British transferral of authority in 1957 led Ashantis to threaten rebellion unless the British stayed, and members of the national opposition were also involved.

[79] Woodward, *Sudan, 1898-1989: the Unstable State*, 90.

[80] Sharkey, "Arab Identity and Ideology in Sudan: The Politics of Language, Ethnicity, and Race," 28. Albino, *The Sudan: A Southern Viewpoint*, 4-5, 119. Albino characterizes the post-colonial subjugation of the south by the north as a form of colonialism, with northerners in the south behaving more like colonial officials than the British ever had. Albino also compares Sudanese policies towards the south to South Africa's *apartheid* regime. He states that 'Arab oppression in the south has only helped to give southerners a sense of oneness.'

interaction during the late Condominium period reinforced southern suspicions of the integration process. At the 1947 Juba Conference in which the southerners debated the merits of joining the Legislative Assembly in Khartoum, the British southern governors and their deputies found one of the most prominent northerners, a judge named Mohammed Salah Al-Shingetti, to be an 'antagonistic' presence. They suspected him of cajoling or coercing the few educated southerners present at the conference into supporting participation in the Legislative Assembly, despite their initial reservations.[81] Notably, Shingetti could not persuade the tribal chiefs among the thirteen southerners.[82] Though the matter was not put to a vote, many chiefs said they spoke for their people when they resisted joining the assembly and could not now change their minds. Abel Alier and Francis Deng would later accuse Civil Secretary James Robertson of deciding unilaterally that the entire Sudanese territory had to be unified through a legislative body, disregarding the will of most southerners present at the conference as it suited him.[83] After the principle of unification was affirmed, the south was largely ignored, since at the dawn of the 1950s the government was preoccupied with the future of the Sudan Civil Service and the Sudanization of the government in preparation for British withdrawal.[84] However, the sequence of events above demonstrates the domino effect set in motion after World

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[81] Albino, *The Sudan: A Southern Viewpoint*, 26. Deng, *War of Visions: Conflict of Identities in the Sudan*, 90. Civil Secretary Robertson, who favored the unity policy at the time, also admitted that Al-Shingetti may have intimated to southerners that this would be the last chance they would have to determine the course of their future, and as a result they should seize the opportunity to participate, even if they did not believe they were prepared. It is possible this is a factor in the change of heart Clement Mboro and the other somewhat educated southerners had in choosing to go to Khartoum after previously saying they needed more time to acquaint themselves with governance and lawmaking. Said, *The Sudan: Crossroads of Africa*, 61. A transcript of the Juba Conference included in Said's book reveals that on the first day of the meeting, educated southerners such as Clement Mboro and Philomon Majok who had opposed southern inclusion in the Legislative Assembly on the grounds that southerners needed more time to be politically ready for modern democracy had changed their mind.

[82] Deng, *War of Visions: Conflict of Identities in the Sudan*, 91. Deng, *Africans of Two Worlds*, 177. The apprehension of southern tribal elites towards further integration with the north did not abate after the Addis Ababa Agreement was concluded. Deng, in his post-AAA conversations with Dinka chiefs concerning southern relations with the north, discovered much relief that the war was over but apprehension concerning the future. One chief explained that he believed peace between north and south could only be maintained so long as northerners and southerners kept their distance from each other.

[83] Abel Alier, "The Southern Sudan Question." *The Southern Sudan: The Problem of National Integration.* Ed. Wai, Dunstan M. London: Frank Cass, 1973, 17. Al-Rahim, *Imperialism and Nationalism in the Sudan*, 208. Robertson rejected the idea of an advisory capacity for southerners in the assembly, favoring instead provincial councils in each southern province, which were established in 1948. Deng, *War of Visions: Conflict of Identities in the Sudan*, 63. Deng argues that since no vote was taken at Juba, the ambiguity of the consensus should have been recognized before further action was taken. In 1964, Deng claims Robertson admitted that he by that point believed he should not have reversed the separatist policy since northerners and southerners were too different to form one nation-state.

[84] Charles Gurdon. *Sudan at the Crossroads.* Cambridgeshire: Menas Press Ltd, 1984, 14. Al-Rahim, *Imperialism and Nationalism in the Sudan*, 198. Collins, *Shadows in the Grass*, 12. The Sudan Political Service was one of the most important early administrative innovations of the Condominium, a civilian administrative corps which replaced military rule in northern Sudan.

War Two: northern nationalism begat the debate over independence, which led to the debate over retaining a unified Sudan, which fostered southern nationalism.

The pre-independence dalliance of educated southerners with further steps towards national integration indicates that southern political awareness was not born of an innate animosity towards northerners. Deng ascertains that southerners were not necessarily resisting Islam or Arab culture, which they had already encountered throughout most southern territories, particularly in the urban centers; they were resisting the forced integration which northern nationalism advocated for the region.[85] Educated southerners in particular were receptive to integration efforts if they ensured southerners would have input into how they were to be governed. The Torit mutiny came at a critical period when the patterns for behavior were being established between the south and the rest of the state. The way it first erupted and the way it was suppressed marked the beginning of the use of force to resolve problems in relations between the north and the south.[86] In September 1955, a government commission was set up to examine the causes of the Torit mutiny producing what would be known as the Cotran Report.[87] It declared that the 'southern problem' was fundamentally political, not religious. It counted neither the historic reality of the slave trade nor tensions between various religions as factors in the disturbances.[88] However, it did acknowledge a north-south dichotomy: 'It is only in the last year or so that the average southerner is becoming politically conscious, but this political consciousness, as it is bound to be initially, is regional and not national'.[89] The

[85] Deng, *War of Visions: Conflict of Identities in the Sudan*, 136.
[86] Beshir, *The Southern Sudan: From Conflict to Peace*, 49.
[87] Eprile, *War and Peace in the Sudan 1955-1972*, 45. 'The Cotran commission found the direct causes of the 1955 disturbances were A) The forged telegram ordering persecution of Southerners alleged to have been written by Azhari around early July 1955. B) The interference of administrators in Equatoria political affairs. C) A loss of confidence after the trial of a southern politician which was widely regarded as a farce. D) The shooting of southerners in the town of Nzara on 26 July 1955. E) Early inaction on the part of the army when the conspiracy to mutiny was discovered. F) Southern disappointment when Sudanization almost completely shut them out. G) The spread of anti-northern rumors and the lack of government propaganda to counteract them.' Said, *The Sudan: Crossroads of Africa*, 74. Said notes that events such as a warning by the government from August 1954 which threatened southerners with force for working with the Umma opposition was intended primarily as a threat to those southern politicians working with Umma, but greatly offended the majority of southerners.
[88] Eprile, *War and Peace in the Sudan 1955-1972*, 46. Arou, "Devolution and the Southern Problem in the Sudan," 116-119.
[89] Deng, *War of Visions: Conflict of Identities in the Sudan*, 26-27. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 78.

Cotran Report confirmed that one of the chief causes of the mutiny was the government's disregard of its election promises to southerners.[90]

Nevertheless, for all these various incentives to revolt, the 1955 mutiny of the Equatoria Corps in Torit had not even 'the beginnings of an articulated ideology'.[91] Therefore, the insurgency was not directly a response to attempts to integrate the south into the state. Instead, the brutal northern response to the mutiny, coupled with the disingenuous northern assurances to consider southern autonomy, created a relationship of hostility around which southern identity could coalesce. As a result, the early dynamics of the first war were northern attempts to integrate the south by force, and southern attempts to defend the region's cultural distinctiveness. While southerners, especially elites, had felt alienated from the north during Sudanization, that process did not have the galvanizing potential that armed southern resistance, and what southerners perceived as northern overreaction in its wake, were able to achieve.

However, the south faced several hurdles to overcome in the first war towards the creation of a viable national consciousness. It took years for southern identity to transcend provincialism and tribalism enough to even coalesce behind a truly regional insurgency group, the South Sudan Liberation Movement. Southern resistance in the first war faced a difficult duel process by which it would be forced to make coherent demands from Khartoum while simultaneously seeking to create its own institutions and culture in the region. The first southern Sudanese political exile movement, the Sudan Christian Alliance, was founded in 1961. Its name was chosen to camouflage the separatist political objectives of the movement, of which its host, British-controlled Uganda, would not approve. In addition, if the Sudanese government were to discover there was a southern political organization in Uganda, it would seek to destroy it at birth. The SCA's Christian orientation, and the leadership role of clergy figures such as Father Saturnino Lohure, was hoped to attract attention and support from Christian organizations throughout the West, particularly to the religious

[90] Abel Alier, "The Southern Sudan Question," 18. Paranoia about a secret cabal of northern merchants and bureaucrats bent on exploiting the south may have been another factor in the mutiny. Deng, *War of Visions: Conflict of Identities in the Sudan*, 63. Descriptions of the 1955 disturbances in the south mention close cooperation between northern administrators and traders, alienating many southerners and further eroding the legitimacy of government.

[91] O'Fahey, interview. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 490.

persecution of the Abboud regime.[92] Abboud's aggressive Islamization campaign, which involved such measures as building Islamic schools across the south and interacting with southern chiefs only once they had taken on Arabic names, intensified southern resistance efforts.[93] Customs southerners had always found insulting – such as the practice by which northern men felt free to marry southern women but southern men, even Islamicized ones, were viewed unfavorably if they sought to marry an Arab woman – became key elements of southern nationalist propaganda.[94]

By the late 1960s, dissident southern politicians began attempts at forming some political sense of a shared southern culture. However, all these efforts failed at transcending tribal allegiance.[95] In fact, the only ideological indoctrination of the Anya Nya as a group would come one month before the AAA in January 1972, with the dissemination of a pamphlet by Joseph Lagu to the insurgents called 'The Anya-Nya: What We Fight For'. The pamphlet was virulently anti-Arab and depicted northerners as 'barbarians' an historic enemy which could never be trusted or accommodated. It voiced the southern resentment of the imposition of Arab-Islamic culture.[96] It was written to present the Anya Nya as a nationalist movement, indistinguishable from other African liberation movements against colonialism. The pamphlet also stressed that the movement was region wide, and that troops should obey a superior even if he was from a different ethnic background, 'because by so doing you strengthen the ties that bind our peoples together in our common struggle.'[97] It describes the Anya Nya as being 'the only national institution that we

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[92] Wakoson, "The Southern Sudan: the Political Leadership of the Anya-Nya Movement," 95-96. Wakoson notes that the SCA went on to focus primarily on providing aid to refugees, and moved to the background of the southern political movement. A.G.G. Gingyera-Pinycwa. "The Border Implications of the Sudan Civil War: Possibilities for Intervention" *The Southern Sudan: The Problem of National Integration.* Ed. Wai, Dunstan M. London: Frank Cass, 1973, 130. Attempts by insurgents and exiles to draw other African states into the conflict based on a shared Christian faith were unsuccessful.

[93] Yongo-Bure, interview. Oduho and Deng, *The Problem of Southern Sudan*, 56. Poggo, "General Ibrahim Abboud's Military Administration in the Sudan, 1958-1964," 83.

[94] Oduho and Deng, *The Problem of Southern Sudan*, 54. Deng, *Africans of Two Worlds*, 212-222. In 1978, six years after the AAA, Deng spoke to Dinka chiefs who expressed reservations that integration would ever truly be possible because the religious and cultural differences between Dinka and Arab were so great that they impeded traditional aspects of social integration such as mixed marriage.

[95] Beshir, *The Southern Sudan: From Conflict to Peace*, 54. The Azania Liberation Front, for example, promoted that a common language for the south should be constructed, perhaps based on pidgin Arabic.

[96] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 490.

[97] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 498.

have in South Sudan'.[98] The goal of the movement was self-determination: whether that led to unity, autonomy, federalism or separation.[99] It created a myth that the Anya Nya were defending the rest of black Africa from the menace of Arabs, as well as their Soviet sponsors.[100]

TRIBAL IDENTITY AND ITS IMPLICATIONS FOR SOUTHERN NATIONALISM

The vague concepts of 'southern' identity directly contributed to the difficulty in ending both wars. Neither of Sudan's primary insurgent groups, the Anya Nya or the SPLA, fought to preserve any precise definition of southern cultural identity. The Anya Nya were a network of militias formed to combat the early state-building process of independent Sudan along Arab-Islamic lines. It was an ideologically loose organization, with some elements favoring secession and some favoring regional autonomy within Sudan. The SPLM/A's objective was to transcend what it considered the dead-end of southern nationalism by uniting marginal people across Sudan to destroy the traditional center-periphery national power structure. Neither of these goals relied upon a well-defined conception of southern identity. As the factional and ethnic violence that has plagued the south for decades confirms, such an identity, even by the end of the second civil war, does not yet exist in any stable capacity. The lack of southern cohesion potentially precludes the region forming a stable and cohesive state that would not be easily manipulated by outside actors.

One theory of insurgency states that ideological coherence in an insurgency is more likely to originate in societies with a strong tradition of statehood, and that insurgencies without a background in such a tradition are more prone to factionalism and a lack of discipline.[101] In the Sudanese context, the nuances of this theory are complicated. The Anya Nya movement was not a disciplined, coherent force, but its reliance on tribal-based structures, grassroots support, and the authority of local commanders seemed to contribute to the inability of the government to find fault

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[98] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 498.
[99] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 499.
[100] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 505.
[101] Christopher Clapham. "Introduction: Analysing African Insurgencies." *African Guerrillas*. Ed. Christopher Clapham. Oxford: James Currey Ltd, 1998, 13.

lines through which to exacerbate factionalism and disunity among fighters. On the other hand, the highly disciplined SPLM/A did contain such fault lines, as Khartoum was able to exploit after the 1991 split in that insurgency.[102]

While there is certainly the potential for an effective southern separatist movement to exist independent of a particular ethnic affiliation, in practice, such movements are unusual in the south. In theory, most southern separatists have championed separation for the south as a whole, but in both wars they have relied predominantly on one ethnic group or southern sub-region for their base of power. As a movement loses traction, its membership is often reduced to the ethnic group from which its leaders originate. As a result of the severity of tribal allegiances, individual separatist movements have not had appeal to large portions of the south, even though separatism generally is a popular cause. Tribal identity has not been transcended to form and sustain a revolutionary southern identity. The Anya Nya held the apparently contradictory goal of seeking to rise above tribalism while retaining its institutions. It was less concerned with destroying tribal authority than in uniting tribes in resistance to the government.[103] While reliance on tribal systems limited the coherence of the Anya Nya as a military force, and complicated its ability to work for political objectives, it very likely increased its legitimacy at a local level, and therefore the morale of its soldiers. The Anya Nya were most active in Equatoria, the province with the largest number of small, non-Nilotic tribes. Tribal loyalty, combined with a vaguely anti-government objective, made it difficult for the government either to crush the movement or to turn factions against each other, as it would succeed in doing in the second war. Such excessive localism made it difficult to achieve anything resembling a southern identity, but by relying on such a time-honored system of administration the Anya Nya rarely had a shortage of

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[102] Douglas H. Johnson. "The Sudan People's Liberation Army and the Problem of Factionalism." *African Guerrillas.* Ed. Christopher Clapham. Oxford: James Currey Ltd, 1998, 56, 58. This is not to suggest that simply because the Anya Nya had few serious, longstanding military rivalries that it was politically intact. To the contrary, the organization was seriously fractured politically, but these schisms resulted in less southern infighting than would occur during the second war. The SPLA would not 'allow newly incorporated groups to run autonomous operations in their own territory; nor did it leave its new recruits to get what training they could in their home areas. Rather, all new recruits were transferred to training camps inside Ethiopia, mainly in the Gambela region.'

[103] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 503.

leadership.[104] The Anya Nya were less reliant on outside sources for support than on the southern Sudanese themselves, upon whom they depended for food and supplies.[105]

The difficulty in transcending tribal division in the south is in part a result of tribal demographics. A common theme among the tribal divisions in the south has been the relationship between any given tribe and the Dinka, by far the largest people in the region and 40% of the southern population as a whole.[106] There had been tension, if rarely outright conflict, between the Equatorians and Dinka since the colonial period.[107] The small tribes of Equatoria were strong advocates of separatism in the first war, and had been more involved in the Anya Nya than residents of the other two southern provinces, particularly the Dinka.[108] Nuer separatists, the dominant anti-Dinka, anti-SPLA faction in the second war, were not deeply involved in the Anya Nya until very late in the first war.[109]

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[104] Eprile, *War and Peace in the Sudan 1955-1972*, 98.
[105] Yongo-Bure, interview.
[106] John Young. "Sudan: A Flawed Peace Process Leading to a Flawed Peace." *Review of African Political Economy* 32:103 (2005), 16. Lobban, interview.
[107] Interview by the author with Cherry Leonardi, Durham, 2007. Interview by the author with Alex Donato, Canberra, 2009. Johnson, *The Root Causes of Sudan's Civil Wars*, 18, 28. Johnson writes of the broad stereotypes each group launched against each other, with Equatorians considering Nilotics such as the Dinka generally to be primitive reactionaries while Dinka in turn considered the former to be too closely associated with the British rulers. Alexis Heraclides. "Janus or Sisyphus? The Southern Problem of the Sudan." *Journal of Modern African Studies* 25:2 (1987), 215. Heraclides discusses the evolution of Nilotic chauvinism towards other southerners, traditionally referred to as *jur mathiang* ('other people'). It was only by the end of the 1960s that the more inclusive term *wuok koccol* ('black people') came to be used by Dinka and Nuer when regarding other southerners, an expression of the growing solidarity with other ethnicities in the region.
[108] O'Ballance, *Sudan, Civil War and Terrorism, 1956-99*, 40-41. Badal, "The Rise and Fall of Separatism in Southern Sudan," 470-471. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 139. Woodward, *Sudan, 1898-1989: the Unstable State*, 145. Gurdon, *Sudan at the Crossroads*, 15. The original 1955 Torit mutiny saw rebellion throughout the Equatoria province, but not in the Bahr Al-Ghazal or Upper Nile provinces. This frustrated the mutineers and was a key reason they eventually heeded the call of the Governor General to surrender themselves to northern authorities. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 538. Eprile, *War and Peace in the Sudan 1955-1972*, 66. Upper Nile Province avoided most conflict, in part due to the efforts of governor Abbas Fagir, who was sympathetic to the southerners and persuaded the military in the province to avoid serious bloodshed. Eprile, *War and Peace in the Sudan 1955-1972*, 95. Wakoson, "The Southern Sudan: the Political Leadership of the Anya-Nya Movement," 106. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 99. Arop Madut-Arop. *Sudan's Painful Road to Peace: A Full Story of the Founding and Development of the SPLM/SPLA*. Charleston, South Carolina: Booksurge, 2006, 5. The Sue River Revolutionary Government, a Zande separatist movement formed in 1969, was one of the many factions that sprang up during that era. Wai, "Political Trends in the Sudan and the Future of the South," 165. The Anyidi Revolutionary Government had also been tribally based, and filled with personal rivalries. Aside from broad objectives such as 'liberation from Arab rule by military struggle', its only real uniting cause seemed to be to act as a counterweight to the Dinka.
[109] Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 139. Douglas H. Johnson. "Foretelling Peace and War: Modern Interpretations of Ngungdeng's Prophecies in the Southern Sudan." *Modernization in the Sudan.* Ed. M.W. Daly. New York: Lilian Barber Press, Inc, 1985, 124. The Lou Nuer, for example, fled government forces during the first war by escaping to Ethiopia. There they met with other Nilotics and by 1971 had extended the Anya Nya front into the Upper Nile Province.

The radically different methods through which tribes traditionally governed themselves posed problems for administration in a modern heterogeneous state. Tribes such as the Shilluk of the Upper Nile and the Zande of Equatoria retained of a rigid, authoritarian governing hierarchy. Tribes such as the Dinka and Nuer had very little hierarchy at all.[110] These differences complicated any effort to coordinate tribal governing structures in a united south. The fact that the Anya Nya were more a network of militias than a united insurgency for most of its existence sometimes encouraged southerners to join in order to fight smaller-scale tribal conflicts. Many Ngok Dinka of the Abyei area joined between 1965 and 1972 often specifically to fight the Arab Misseriya tribes with whom renewed tensions had started in 1965.[111] The movement was poorly coordinated, with each unit remaining autonomous.[112] Tribal consciousness impeded freedom of movement: Lagu writes that tribal groups saw it as an insult if fighters from another region came to their area, an insinuation that the local group was too weak to fight. There had been much tension between the East and West bank in mid-1960s Equatoria over this issue, an early indicator that the mobility of Anya Nya fighters would be limited.[113]

The disparity between the educated southern intelligentsia and the vast majority of southerners also made it more difficult to form a national liberation movement in the south. This situation helped create a gap between the ideological fervor of the movement's political leaders and the southern population at large, many of whom

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[110] Kok, *Governance and Conflict in the Sudan 1985-1995*, 91.

[111] Madut-Arop, *Sudan's Painful Road to Peace,* 64. This conflict was also the impetus for Ngok Dinka to wish for the Abyei area to be administered from the southern province of Bahr Al-Ghazal, a desire included in the AAA under the Article 3iii possibility of referendum for areas of the north to be administered from the south.

[112] Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 191.

[113] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 125-126. Lagu cites early division in the Anya Nya among Equatorian tribes, particularly between the Bari and others. Robert O. Collins. "Civil Wars in the Sudan." *History Compass* 5:6 (2007), 1780. By 1964, there were roughly 5000 Anya Nya soldiers, under no organized, unified command. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 189. It would not be until 1967 that it was decided that Anya Nya warriors should allow each other free mobility throughout the south. Wakoson, "The Southern Sudan: the Political Leadership of the Anya-Nya Movement," 102, 109. The Angundri Convention of August 1967 was the first time in the history of the insurgency that the dominant military and political leaders sat together to discuss the direction of the movement. It was brought about to amend for the relatively directionless, leaderless state of the movement between 1965-1967. At the convention, it was also decided that the leader of the insurgency must live in the bush with the fighters, not in exile as many of the politicians had up to that time. Collins, "Civil Wars in the Sudan," 1782. 'Bari Anya-Nya would remain in central Equatoria, Dinka Anya-Nya in the Bahr Al-Ghazal, and Nuer Anya-Nya in the Upper Nile where Lagu's authority remained more nominal than real until he created an Annual Command Council and late in 1970 appointed Brigadier Joseph O. Akuon, a Nuer and Anya-Nya Regional Commander his Deputy-Commander-in-Chief to organize the Israeli arms shipments coming through Ethiopia to the Upper Nile.'

were hostile to the north but not politically engaged enough to warm to various southern factions, except those based on ethnicity. As a result, political factions such as the Southern Sudan Provisional Government during the first war were too weak to provide their own administration and relied primarily on the management of tribal chieftains, especially in the rural areas.[114] The disorganized nature of Anya Nya units and their lack of correspondence with high-profile southern politicians complicated peacemaking efforts. In 1968, during the second parliamentary period, government ministers Joseph Garang and Abel Alier attempted to contact southerners in exile and urge them to return to Sudan and take part in a regional autonomy arrangement. When these attempts failed, Garang and Alier surmised that 'the rebel leaders had no common platform'.[115] The high-profile insurgents and exiled politicians had various garnishes of ideology, though they were simply too disunited to be effective. Some were ardent separatists, some were federalists, and others seemed to be politically disinclined, but willing to use separatist rhetoric to advance the southern cause.[116] No political leadership came from inside Sudan, either. By the late 1960s, there was particular disdain among Anya Nya for southerners who participated in the parliamentary government, out of a feeling that they were legitimizing the process and undermining the resistance efforts.[117] Despite measures to keep ideologically coherent, separatist dependence on the tribal chiefs, with their narrow political view and reluctance to relinquish their own power for the cause of 'South Sudan', contributed to the sapping of the ideological potential of these groups. The South Sudan Provisional Government collapsed in 1969, and was succeeded by the Nile Provisional Government, which itself also split soon after due to leadership battles.[118]

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[114] Interview by the author with Douglas Johnson, Oxford, 16 December 2007. Beshir, *The Southern Sudan: From Conflict to Peace*, 60. Wai, "Political Trends in the Sudan and the Future of the South," 165. Aside from the ethnic factionalism to which they are prone, tribally-organized political movements can be impeded by the ignorance of their elites, who are not usually integrated with larger ideological movements and seek to advance their own narrowly-defined interests. Collins, "Civil Wars in the Sudan," 1781. 'The failure of Anya-Nya units to cooperate was compounded by their failure to develop a political consciousness among the southern Sudanese whom they had frequently alienated by arbitrary plundering of cattle and crops.'

[115] Warburg, *Islam, Nationalism and Communism in a Traditional Society*, 158.

[116] Russell and McCall. "Can Secession Be Justified? The Case of Southern Sudan," 117. Abel Alier. "The Southern Sudan Question." *The Southern Sudan: The Problem of National Integration.* Ed. Wai, Dunstan M. London: Frank Cass, 1973, 22.

[117] Eprile, *War and Peace in the Sudan 1955-1972*, 95. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 99. Beshir, *The Southern Sudan: From Conflict to Peace*, 62. Collins, "Civil Wars in the Sudan," 1781. Practices which were seen as synonymous with education, such as the speaking of English, were sometimes banned by Anya Nya commanders.

[118] Eprile, *War and Peace in the Sudan 1955-1972*, 95. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 99. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 41. Wakoson, "The Southern

Ethnic ties remained much stronger than regional ones until the mid-1960s, and it was not until the end of the decade that a common consciousness was formed.[119] Elites in the southern resistance movement of the mid-1960s were unable to unite, and were willing to casually exploit tribal divisions to enhance their own personal ambitions, most notably regarding the split in SANU during the 1960s.[120] While political and military organizations were formed in coordination with tribal foundations out of a recognition of reality, the ease with which ethnic fault lines could be manipulated was another incentive to transcend tribalism. The South Sudan Provisional Government and the Azania Liberation Front are examples of this tendency, and it is revealing that one of the few groups which promoted adhering strictly to tribal mechanisms for administration in the south was the conservative Southern Unity Party, a small group with a northern base.[121] A northern predilection to treat the early stages of the southern insurgency as tribal banditry unrelated to southern political grievances was also an incentive for southern nationalists to overcome tribal factionalism in favor a more cohesive, effective resistance.

Soon after the ascension of the new military-backed regime in May 1969, the so-called June Declaration, in which the autocratic president Nimeiri promised to consider regional autonomy for the south, led to the formation of a new school of thought among southerners. This new approach was based out of Makerere University in Uganda, and proposed that, while the Anya Nya should continue to engage the Sudanese Army, southern politicians should consolidate their factions under the same leadership and seek to open an avenue of dialogue with the new

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Sudan: the Political Leadership of the Anya-Nya Movement," 100. Madut-Arop, *Sudan's Painful Road to Peace,* 6. Madut-Arop posits that the Nile Provisional Government's main flaw was that it was formed without a functioning military wing, which put it at a disadvantage when its supporters were forced to fight off an attack from the backers of southern politician Aggrey Jaden from June 1969 to June 1970. Heraclides, "Janus or Sisyphus? The Southern Problem of the Sudan," 219. Heraclides provides a concise list of the period during which the southern insurgents were disorganized and when they had a dominant organization to form under: From 1962 to March 1965, SANU was the primary political resistance movement. From April 1965 to July 1967, parties such as Oduho's and Father Saturnino Lohure's Azania Liberation Front were disorganized, until the SSPG became prominent in the period from August 1967 to March 1969. From then until July 1970 existed another period of disorganization, followed by the emergence of the SSLM under Joseph Lagu.

[119] Woodward, interview. Badal, "The Rise and Fall of Separatism in Southern Sudan," 469. In 1976, Badal wrote that to southerners, tribal ties were still more important than a shared southern identity, though that was changing slowly. In fact, 'common hostility towards the North and its predominantly Arab government was sufficient to forge a measure of unity of amongst the otherwise heterogenous tribes of the Southern Sudan.'

[120] Wakoson, "The Southern Sudan: the Political Leadership of the Anya-Nya Movement," 98-100.

[121] El Obeid, *Political Consequences of the Addis Ababa Agreement*, 96-97.

regime in Khartoum.[122] This school of thought may have given Lagu political cover during his ascent to Anya Nya leadership, and prevented his rise from appearing too authoritarian. However, it was not until 1970 that the various movements abandoned their individual causes and reformed as the South Sudan Liberation Movement, the first southern movement of any region-wide stature. The willingness of the leaders of the Nile Provisional Government to step down in July 1970 and defer to the leadership of Lagu's new SSLM has been described as a key moment in the history of southern nationalism.[123] The organization was more sophisticated than its Anya Nya forebears, consisting of both a political and a military wing.[124] Lagu, because of his military experience in the Sudanese army prior to joining the insurgency in 1962, was initially responsible for training Anya Nya recruits. This exposure gave him a substantial base of support among the actual fighters of the movement which, coupled with the flow of foreign arms he acquired access to, led to his ascension over his military superiors and the politicians who until the late 1960s had sought to control the movement.[125] In addition, Lagu's background as the son of a prestigious family from the smaller Madi people of Equatoria made him a good consensus candidate since neither tribal elites nor smaller tribes would feel threatened by his leadership. Lagu had also been educated with many Dinka, giving him some knowledge of that people's customs and language in addition to his knowledge of Juba Arabic and Acholi.[126] Gradually, throughout 1970 and 1971, individuals and factions that did not accept Lagu's leadership simply retired or left the Anya Nya.[127]

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[122] Wai, *The African-Arab Conflict in the Sudan*, 146.

[123] Wakoson, "The Southern Sudan: the Political Leadership of the Anya-Nya Movement," 107.

[124] Eprile, *War and Peace in the Sudan 1955-1972*, 95. Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 280. Wai, *The African-Arab Conflict in the Sudan*, 149. Daly, "Broken bridge and empty basket," 5. Deng, *War of Visions: Conflict of Identities in the Sudan*, 16.

[125] Wakoson, "The Southern Sudan: the Political Leadership of the Anya-Nya Movement," 107. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 231. Yongo-Bure, interview. Other regional commanders would pledge allegiance to Lagu in exchange for arms. Clapham, "Introduction: Analysing African Insurgencies," 16. Clapham notes that 'successive movements in southern Sudan... have tended to remain united when a single leader could monopolize access to external aid, and to fragment when one could not'. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 213. Lagu notes that many of these movements and power struggles happened in different areas of the south and left certain other areas unaffected. He cites in particular the 1968-1969 power struggle between Gordon Muortat's Nile Provisional Government and its detractors which took place in Western Equatoria, while Lagu was able to consolidate his power, via his support from Israel, in Eastern Equatoria.

[126] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 231. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 173, 194. Lagu lists the endorsement of Father Saturnino Lohure, priest and Anya Nya organizer, as another factor in his consolidation of power.

[127] Albino, *The Sudan: A Southern Viewpoint*, 70. Nelson Kasfir. "Sudan's Addis Ababa Treaty: Intraorganizational Factors in the Politics of Compromise." *Post-Independence Sudan.* Ed. C. Allen. Edinburgh, University of Edinburgh, 1981, 145. Lagu became head of the military wing of the insurgency in May 1971. El

Upon uniting the Anya Nya under his leadership, Lagu sought to implement reforms that would convert it from a series of linked local militias to a region-wide prototype for a southern army. He considered each of the three provinces to be of equal significance, even though Equatorian forces were vastly larger than those of Bahr Al-Ghazal or the Upper Nile Province. This decision was made purposely to increase the attractiveness of his leadership to fighters from these other two provinces and to assure them that their interests would also be considered in the movement.[128] The early tensions between the east and west Nile bank in Equatoria prepared him for further conciliatory moves to strengthen southern nationalism. Gestures such as the promotion of officers from the Upper Nile Province to Anya Nya leadership by 1971 also improved the insurgency's reputation as a pan-southern fighting force.[129] By the time of the AAA, the Anya Nya were more 'internally united' than at any time before.[130]

The South Sudan Liberation Movement was the only effective, exclusively southern liberation movement in Sudan's history, though it existed only a brief couple of years

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Obeid, *Political Consequences of the Addis Ababa Agreement*, 99. Arou, "Devolution and the Southern Problem in the Sudan," 128-129. A precedent had been set before Lagu for the intervention of Anya Nya commanders into politics. In July 1969, Anya Nya commander General Emilio Taffeng took control of administration in the Equatorian region of Anyidi. Lagu spent much of late 1970 sapping away Taffeng's authority over his deputies, and only declared himself the head of the military and political factions of the SSLM in August 1971. Collins, "Civil Wars in the Sudan," 1782. 'Bari Anya-Nya would remain in central Equatoria, Dinka Anya-Nya in the Bahr Al-Ghazal, and Nuer Anya-Nya in the Upper Nile where Lagu's authority remained more nominal than real until he created an Annual Command Council and late in 1970 appointed Brigadier Joseph O. Akuon, a Nuer and Anya-Nya Regional Commander his Deputy-Commander-in-Chief to organize the Israeli arms shipments coming through Ethiopia to the Upper Nile.'

[128] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 231.

[129] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 238. Yongo-Bure, 2009, interview. Yongo-Bure notes that while there was less Anya Nya activity in the Upper Nile region than in Equatoria, Dinka and other Nilotics were represented in the movement's leadership. He cites Anya Nya chief of staff Frederick Maggott, a Dinka present at the signing of the AAA, as a high-ranking example. Wai, *The African-Arab Conflict in the Sudan*, 157. Wai notes that the Dinka were also represented in the political leadership of the SSLM. The movements's highest profile representatives in Europe, Lawrence Wol Wol and Madeng de Garang, were both Dinka. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 248. Lagu even claims to have attempted to appoint a former rival from Bahr Al-Ghazal, Gordon Mourtat, as a member of the negotiating team at the Addis Ababa talks in January 1972. Lagu claims Muortat declined, declaring that Lagu was only a military commander and did not have the political authority to appoint members of a peace delegation. Madut-Arop, *Sudan's Painful Road to Peace,* 19. Madut-Arop disputes this claim, writing that Anya Nya in Bahr Al-Ghazal, such as Gordon Muortat, were not consulted by the leadership during the Addis Ababa negotiations and were informed of the agreement after the fact. This partially explains the lack of enthusiasm for the agreement in parts of Bahr Al-Ghazal, as Muortat, John Garang and other commanders in that province initially rejected the agreement. Anya Nya members who opposed the agreement conspired to arrest Lagu and replace him, but were discovered by Anya Nya loyal to Lagu and were themselves arrested instead. Madut-Arop, *Sudan's Painful Road to Peace,* 20. John Garang later said that he and the others eventually had to stop their agitation against the AAA because the majority of the south was not with them. Instead, they accepted absorption into the Sudanese army.

[130] Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 192.

until the ratification of the AAA made it obsolete. Consequently, it did not have a chance to fully develop as a liberation movement. The war simply did not continue for long enough or revolve around a shared set of objectives by which a synthetic nationalism could have coalesced after years of comradeship in battle. It is possible, had a separatist movement remained sustainable and the first war continued past 1972, that the makeshift institutions formed during the Anya Nya struggle might have become the basis for southern administration, and out of that, a southern state. Perhaps because of this, many Anya Nya were hesitant after the AAA to dismantle the grassroots medical and educational facilities they had carefully built up, even though the post-AAA money then coming in for famine relief and development was intended to make these structures obsolete.[131]

Englebert hypothesizes that African nationalism fosters local awareness of ethnicity through its use of the state as a resource, and the subsequent repression of the expression of identities that run contrary to the nationalist project: 'This is why Africans express nationalist views while simultaneously complaining of their compatriot's tribalism.'[132] This theory works on a national level in Sudan, but is also applicable when describing some of the tribal tensions which became manifest in the regional government of the south following the AAA, demonstrating that that agreement had been concluded before the young southern nationalist movement achieved broad enough legitimacy to rise above ethnicity. As Lagu notes, southern unity came from the shared fight against the north. The peace following the AAA revealed only 'the peculiarity of each one of the three provinces'.[133] Integration efforts of the Anya Nya with the Sudanese army after Addis Ababa showed the difficulty of transcending the provincially-orientated hierarchy of the insurgency.[134]

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[131] Mitchell, "Conflict Resolution and Civil War: Reflections on the Sudanese Settlement of 1972," 26. Albino, *The Sudan: A Southern Viewpoint*, 70. The Anya Nya were also forced to become dependent on their own minor first-aid capabilities for medical problems as civilians who went into the larger towns for medical aid were often arrested by the authorities as 'outlaws'.

[132] Pierre Englebert. "Whither the Separatist Motive?" *African Guerrillas: Raging Against the Machine.* Eds. Bøas, Morten and Kevin C. Dunn. Boulder, Colorado: Lynne Rienner, 2007, 67.

[133] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 397.

[134] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 162. For example, in 1974 a commander was nearly killed by his troops in part because he had not commanded them during the resistance, instead leading Anya Nya in a different area of Equatoria. Arou, "Devolution and the Southern Problem in the Sudan," 138. In 1978, an enormous fight broke out at Juba Commercial Senior Secondary School over the results of school elections, in which Dinkas felt they were underrepresented. Such fights also subsequently took place in Malakal

Ethnic tensions in the southern government were further strained with the rise of 'redivision' of the south as a political issue in the late 1970s. With the fall of Idi Amin's regime in 1979 several of his backers from Equatorian tribes, who had crossed the border to enjoy employment in Uganda and that state's higher standard of living, were returned to their native province in the south, changing the demographic balance versus the Dinka in the southern region. This led to Equatorians seeking for their newly increased population in the region to be represented in the regional government, and ire towards Dinka who had migrated to what the Equatorian tribes such as the Bari considered to be their land.[135]

In addition to a reversion to tribal politics following the AAA, southern elites often jockeyed to enhance their personal status, creating opportunities for division later exploited by Nimeiri. Lagu writes of several instances in which he or other southern political figures felt slighted by their position in the new government.[136] By the late 1970s, it became clear that the factions being formed in the regional government were not ideological so much as patronage networks in acquisition of the prestige that came with positions in the government.[137] By 1980, tensions between Dinka and other southerners were at a peak, even in the People's Regional Assembly.[138] Nimeiri also rededicated his efforts in the 1980s to take advantage of southern internal divisions. In February 1980, after Lagu had been touched by scandal and charges of authoritarianism, Nimeiri dissolved the Regional Assembly, removing Lagu as High Executive Council president after only two years and returned Alier to power. This act only goaded many southerners, particularly Equatorians, to clamor for the

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and Rumbek. This incident indicates that neither education nor the 'young generation' of Sudanese would put tribal identity behind them.

[135] El-Affendi, "Discovering the South: Sudanese Dilemmas for Islam in Africa," 380. Kok, *Governance and Conflict in the Sudan 1985-1995*, 74. Madut-Arop, *Sudan's Painful Road to Peace,* 36.

[136] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 270, 297, 322. Lagu writes openly that he had great resentment for Alier, who took the presidency of the Southern Region's High Executive Council, a position Lagu felt he had earned.

[137] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 372-373. Lagu relates a corruption charge against his regional vice president which took place shortly after he assumed the HEC presidency in 1978. The resulting cabinet reshuffle offended some of his own ministers to the degree that they began to support Alier as HEC president. Lagu considered assembly Speaker Clement Mboro to be the source of much of the conflict. The disputes described in his book seem to be primarily ones of personality, and did not involve any ideological differences on vital issues such as development of the south. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 374. Tension grew between Lagu and Alier and Bona Malwal over a supposed Dinka/anti-Dinka rift.

[138] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 387. Lagu quotes from a speech he alleges was made in the assembly by Dinka politician Justin Yac: 'Look! The British ruled for 50 years, the northerners for 17 years. We shall rule for 100 years whether you like it or not; we are the majority tribe.'

redivision of the Southern Region.[139] The push for redivision fell along ethnic lines. It was seen as a way of countering the power of the Dinka, who had dominated politics in the Southern Region by virtue of their sheer numbers.[140] An important ally of Nimeiri's concerning redivision was Joseph Lagu himself, who speculated that since the rest of Sudan was now regionalized, the north could not apply the same amount of pressure to southerners and therefore no reason existed for keeping the region in one bloc as the Southern Region.[141]

While there was no broader consensus on what a 'southern identity' meant when not confronted with northern repression, currents of nascent southern militancy were to remain after the AAA signing. The widespread re-emergence of rebels would not occur until the early 1980s, but there remained latent mistrust of the regime. Johnson notes that on a visit to the Jonglei area of the Upper Nile Province in 1975, children of eight or nine were singing Anya Nya songs, though they would have been too young to remember the movement. 'By the time 1983 came around these kids were much older... This is part of the reason why the second civil war took off much faster than the first one. People were primed by their experience in the first civil war. They knew what the issues were.'[142] As the region became more divided along tribal lines, animosity between tribes would continue into the second war. As Yongo-Bure outlines, in the 1970s 'there were divisions among the south, and it carried on, the SPLM/A inherited a divided south'.[143]

Inter-tribal relations in the south were much more strained following the CPA signing than they had been following the AAA. Anti-Dinka sentiment remained high in Equatoria following the second war, a result not only of the Dinka migration to the area, but of the Equatorian perception of their exclusion from the higher positions within the emerging Government of South Sudan structures. Contributing to the

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[139] Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 90. Woodward, *Sudan, 1898-1989: the Unstable State*, 159. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 386, 388.
[140] Timothy Niblock. "Numayri's Fall: The Economic Base." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 39. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 390. Lagu stated frankly, in a 1980 speech on the Regional Assembly floor, that the ethnic insecurity felt by many non-Dinka in the south was the most obvious reason to divide the Southern Region into three provinces.
[141] Hamid, "Aspects of Sudanese Foreign Policy," 133. Johnson, *The Root Causes of Sudan's Civil Wars*, 53.
[142] Johnson, interview.
[143] Yongo-Bure, interview.

animosity was the fact that many Dinka felt that in the second war they had done most of the fighting while Equatorian peoples remained neutral or even aided the government via tribal militias.[144] Additionally, an influx of Dinka settled in towns such as Yei and Yambio to escape the heavier fighting in other provinces.[145] Disputes over how to use the land – Dinka were generally pastoralist while Equatorian tribes, such as the Moro, preferred agriculture – led to a disintegrating security situation in West Equatoria until 2004, when the SPLA ordered the Bor Dinka settlers in the region to return to their original territories now that a final treaty appeared imminent.[146]

Tribal relations were much better in the diaspora of the second war. During the first war, refugees often stayed in groups with others of the same ethnic or regional background.[147] Particularly in the second war, the mixing of southerners in refugee camps has reinforced the southern identity over that of individual tribes.[148] Donato, a southern Sudanese from the Madi people of Equatoria, agrees that the degree to which southerners have interacted with each other in the Sudanese diaspora will temper the tribal rivalries which might arise in an independent southern Sudan. He believes the overriding suspicion of Equatorian peoples is not of Dinka, but of northerners. Donato maintains that the south is actually more integrated culturally than it was after the AAA, and that southerners from the diaspora can help integrate the region even further, since many societies remain tribally based.[149]

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[144] Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 139. Donato, interview. Lobban, interview. Leonardi, interview. 'People only seem to be able to talk about it in terms of a further stage of war, you know that once the south gets independent we'll have to sort out our own differences, and probably the only way to do that is to prove that we're better fighters than the others. There's a sense of having to prove things. Equatorians are very sensitive about this because others like the Dinka will accuse them of having run away during the war to refuge to Uganda… there's that issue about who fought and who didn't. I think Equatorians like to say that they'll prove everybody wrong and they'll fight.'

[145] Goldsmith, Abura and Switzer, "Oil and Water in Sudan," 214.

[146] Paul Murphy. "Assisting the return of the displaced Dinka Bor." *Sudan: Prospects for Peace.* Eds. Marion Couldrey and Tim Morris. *Forced Migration Review* 24 (November 2005), 36.

[147] Goldsmith, Abura and Switzer, "Oil and Water in Sudan," 214.

[148] Catherine Jendia. *The Sudanese Civil Conflict: 1969-1985.* New York: Peter Lang, 2002, 164. Donato, interview.

[149] Donato, interview.

EDUCATION AND LANGUAGE IN THE ADDIS ABABA AGREEMENT

The collective identity of a people is a multi-layered concept. The Volls note that it can be seen as a synthesis of arts, science, institutions and common beliefs, but that one of its most measurable elements is mass education, which can lead to a 'national culture, a higher identity'.[150] This is the dominant reason that the south's control of its own educational system was one of the key demands of the SSLM and southern politicians during the first civil war.[151] By 1972, southerners considered education in post-colonial Sudan, and especially since the Abboud era, as the more passive means Khartoum would use to assimilate them into Arab culture, a compliment to the more aggressive military methods also being employed.[152] The curriculum of education had been a sensitive subject in the first war. The dominant Western presence in the region at the time, the missionary teachers, had their activities curtailed in 1962 and were finally thrown out of the country two years later.[153] Southerners resented the closing of missionary schools by the Abboud regime, not necessarily because of the quality of that education, but because for decades it had been the only education provided in many parts of the south, as the British had been unwilling to spend money on southern schools, seeing no real demand for them.[154]

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[150] Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 146. Beshir, *The Southern Sudan: From Conflict to Peace*, 142. Beshir argues that most southerners had little consciousness of being Sudanese or Southern Sudanese, identifying themselves only by tribe. The exceptions were the few southerners who were either educated or well-traveled throughout the country.

[151] *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of the Sudan*, Appendix A, Article 4ii. Akolda M. Tier. "A Critical Comparative Analysis of the Processes of Resolving The Conflict in The Sudan." *United Nations Public Administrations Network.* Addis Ababa, 2002, 8. This concession was included in the final text of the AAA, but not in the agreement's implementing law, one of the first erosions of safeguards designed to protect ethnic identity.

[152] Albino, *The Sudan: A Southern Viewpoint*, 98.

[153] Sidahmed, *Politics and Islam in Contemporary Sudan*, 72. Lobban, interview. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 75. Albino, *The Sudan: A Southern Viewpoint*, 47, 109. Madut-Arop, *Sudan's Painful Road to Peace,* 2. Oduho and Deng, *The Problem of Southern Sudan*, 56-57. El-Zain, "Articulation of Cultural Discourses and Political Dominance in Sudan," 2. Poggo, "General Ibrahim Abboud's Military Administration in the Sudan, 1958-1964," 79, 86, 92. Amir Idris, *Sudan's Civil War: Slavery, Race and Formational Identities.* New York: Edwin Mellen Press, 2001, 110. Abdelmoula, "An Ideology of Domination and the Domination of an Ideology." El Obeid, *Political Consequences of the Addis Ababa Agreement*, 81. El Obeid writes that the Abboud regime based its decision for the government to absorb all private and missionary schools and replace English with Arabic as the language of education upon the finding of a 1954 international commission on secondary education in the Sudan, a commission which contained no Sudanese.

[154] Collins, *Shadows in the Grass*, 204. Eprile, *War and Peace in the Sudan 1955-1972*, 10, 84. Hartwig Euler. "Human Rights in Sudan: Islamic State and Cultural Diversity". Missio. Pontifical Mission Society, 2005, 19. Beshir, *The Southern Sudan: From Conflict to Peace*, 150. Richard Owen, former governor of Bahr El-Ghazal during the Condiminium, believes Abboud was trying to exterminate the class of educated southerners.

In keeping with the northern choice to recognize the south's distinct status, provisions in the AAA indicate that northerners preferred to *stress* the peculiarity of the southern experience in order to limit the region's impact on national education. Northern delegates ensured the institutions of the Southern Region were given no authority over matters of educational planning at a national level.[155] However, the People's Regional Assembly had the freedom to legislate for the administration of public schools in the south in accordance with national policy for education, economic development, and – importantly – for the promotion of local languages and culture.[156] Freedom of religion and the right of parents to choose the method of their children's education were assured by the AAA.[157] The tensions between regional and national authority concerning education were apparent in these articles: the agreement sought to mollify both sides, but did not address the possibility that an overbearing national government might eventually be inclined to broaden its education policy at the expense of the region. Employment opportunities were another reason for education demands. Remembering the near-total exclusion of southerners during the Sudanization process of the 1950s, the miniscule class of southern intelligentsia realized that to compete with northerners at something other than guerrilla warfare required training in law, agriculture, and other fields necessary for reconstructing the region.[158] The subsequent encouragement of children to pursue higher education was seen as important to employment in the region, as educated southerners were rare enough to have a disproportionate amount of influence in a still largely illiterate land.[159] Given the absolute destitution of these circumstances, any improvement at all following the AAA was to be hailed.

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[155] *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of Sudan*, Article 7ix.

[156] *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of Sudan*, Article 11v and 11vi.

[157] *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of Sudan*, Appendix A, Article 4.

[158] Woodward, *Sudan, 1898-1989: the Unstable State*, 89.

[159] Khalid, *The Government They Deserve*, 273. Mahmoud, "Businessmen and Politics," 12. In a country where only 30% of children finish secondary school and 5% finish university, parents urge education for their children since those with higher education have disproportionate opportunities in life. Oluwadare Aguda. "Arabism and Pan-Arabism in Sudanese Politics." *The Journal of Modern African Studies* 11:2 (1973), 196. Aguda argues that the educational isolation of the south was striking, not just relative to the north but to the entire continent: 'It would be difficult to find elsewhere in black Africa a population of about 5 million, occupying over a quarter of a million square miles, who 15 years after independence could boast of only two secondary schools, and neither a permanent secretary nor a director of a department in the public services. Such was the case of the Southern Sudan up to 1971.'

However, despite initial enthusiasm and the obvious importance of education access to SSLM negotiators in Addis Ababa, the post-AAA era did not bring a boon to education in the south. Hardly any schools were built. Instead, the Islamic schools Abboud had built in the south during his regime were converted to secular secondary schools. There were no teacher training colleges in the south either.[160] Nor was there a regional academic curriculum, resulting in the teaching and administering of exams to people in languages they did not speak.[161] In fact, during the period between wars, the south acquired no more than one-tenth the educational facilities as were available in the north.[162] By 1980-81, even a remote northern province such as Darfur had more primary, intermediate and secondary teachers than did the combined former three provinces which comprised the Southern Region.[163] One of the few areas where education for southerners seems to have been a priority was in tertiary education abroad. In accordance with the AAA, the National Treasury was to provide grants to the southern region to increase university education, especially to foreign universities.[164] Foreign support for southern education was also instrumental to some of the few successes of the region's education, even if it could not compensate for the inadequacy of domestic expenditure. The World Bank was heavily involved in financing educational projects such as a secondary school in Juba, a vocational center in Wau, and rural education centers throughout Equatoria and Bahr Al-Ghazal.[165]

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[160] Yongo-Bure, interview. Benaiah Yongo-Bure. *The Economic Development of Southern Sudan.* Lanham, Maryland: University Press of America, 2007, 153. A minor success of the AAA was in the establishing of a Multi-Purpose Training Center in Juba. It produced, in four years, 600 technicians in fields such as bookkeeping, administration, journalism, mechanics, plumbing and carpentry

[161] Yongo-Bure, interview.

[162] Luka Biong Deng, "Education in Southern Sudan: War, Status and challenges of achieving Education for All Goals." *Respect* 4 (November 2006), 6, 19. Deng writes that during the second war, some southern communities were able to establish educational systems superior to those available before the conflict began. Yongo-Bure, interview. Because of these poor expenditures during the post-AAA period, more southerners began studying in Egypt, which took in between 100-200 southern students per year. Yongo-Bure also notes that there were more northerners studying in Juba than southerners.

[163] Yongo-Bure, *The Economic Development of Southern Sudan*, 112. Khalid, *The Government They Deserve*, 273. Despite the opening of a university in Juba in 1977, southerners were still a fraction of Sudanese graduates.

[164] *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of Sudan*, Appendix B, Article 15. Yongo-Bure, interview. Yongo-Bure, *The Economic Development of Southern Sudan*, 117. Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 224. Mansour Khalid. *Nimeiri and the Revolution of Dis-may.* London: Kegan Paul International, 1985, 312. Unlike Libya, Egypt eventually overcame its disappointment with the Sudan for opting out of Arab federation. By 1976, relations were improved again and Cairo even launched a program allowing thousands of Sudanese students to study in Egyptian universities.

[165] Yongo-Bure, *The Economic Development of Southern Sudan*, 155. Yongo-Bure, *The Economic Development of Southern Sudan*, 164. In 1976, the Summer Institute of Linguistics (SIL) of the United States coordinated with the Southern Regional Ministry of Education to begin a project by which education would begin through native language, and progress with the learning of English or Arabic. Yongo-Bure, *The Economic Development of*

Though the AAA did not live up to its promise on education, the growth of a small, educated class and its effect on southern Sudanese society – and the next insurgent movement – were apparent. With a combination of peace and time, more southerners, especially younger, educated ones, regarded themselves in terms of belonging to a wider dominion of the Sudan, not simply their tribe, or even 'the south'.[166] One of the reasons Anya Nya soldiers had difficulty integrating into the Sudanese army after the AAA was that few of them had the formal training required for positions of equivalent rank to that which they had fought under as insurgents. There was not a single medical doctor in the Anya Nya. By contrast, the SPLM/A leadership was particularly well educated: four officers had doctorates, several members were medical doctors and engineers, and most NCOs were literate.[167] In short, while there was not enough education to influence the south *en masse*, there was enough to influence the elites who would form the next insurgency. Education they received during the period before the second war would help ensure that the next insurgency was more sophisticated and disciplined than the tribally-based, quasi-separatist movement of the first war.

As with education, the debate over the status of language in the AAA touched on the two larger concerns of many southern rebels: government employment and preservation of cultural identity. National identity is often formed as individuals realize that the language they communicate in, particularly their first language, not only determines their cultural identity but can determine other prospects in life such as employment opportunities.[168] This process explains the priority the SSLM put on protecting southern language. A compromise over the status of language – with Arabic being the nominal national language but English being the functional language of the south, supplemented by indigenous languages – was a concession on the part of southerners to the deep-seated northern desire to be rid of the colonial Southern

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Southern Sudan, 168. Development projects such as the Swiss effort to create a model village for 500 families in Sudan were never enacted.

[166] Sidahmed, *Politics and Islam in Contemporary Sudan*, 159.

[167] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 269.

[168] James D. Fearon and David D. Laitin. "Violence and the Social Construction of Ethnic Identity." *International Organization* 54:4 (Autumn 2000), 851.

Policy once and for all.[169] To northerners, allowing these other languages at all was a major concession, as they had come in the northern mind to symbolize imperialism, ignorance and illiteracy.[170] SSLM advocacy for this principle was well received among southerners, and after the AAA, indigenous languages became common in local councils and even in the Regional Assembly.[171]

Alier presents three reasons as to why the northern delegation submitted to English's protected status in the AAA. First, the agreement itself was in English. Second, English was an international language. Third and most importantly, almost all southerners who were to run the machinery of government provided by the AAA spoke better English than Arabic.[172] In this sense, northern allowances for languages other than Arabic were less a concession to southern nationalism than to southern reality. In order to implement other important areas of the AAA such as regional self-governance, it would be impossible to make Arabic the only language in which official business could be conducted.[173] The compromise northerners made concerning language education in the AAA was difficult, as it went against the long-standing objectives of northern nationalism that Arabic was to be the dominant language throughout Sudan. This goal preceded the Abboud regime, and even independence. The nationalist Abd Al- Rahman 'Ali Taha, who became the first Sudanese Minister of Education, announced in 1949 that, 'as the Sudan is one country sharing one set of political institutions it is of great importance that there should be one language which is understood by all its citizens. That language could only be Arabic, and Arabic must therefore be taught in all our schools.'[174] With the end of the Southern Policy in the late 1940s, Arab culture slowly began to enter southern political consciousness, as in 1950 when Arabic was finally introduced in

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[169] *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of Sudan*, Article 6. Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 100-101. Beshir, *The Southern Sudan: From Conflict to Peace*, 147.

[170] Eprile, *War and Peace in the Sudan 1955-1972*, 80. Beshir, *The Southern Sudan: From Conflict to Peace*, 147. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 131.

[171] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 175. Classes would now be in English in southern schools, but Arabic was to remain a subject.

[172] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 100-101. Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 15. Many southerners also preferred English because they saw it as neutral, whereas Arabic or even Dinka would have unsettled smaller ethnic groups.

[173] El Obeid, *Political Consequences of the Addis Ababa Agreement*, 47, 130. The only alternative would have been to allow 'Juba Arabic', a pidgin dialect common in the larger towns of the south, but which lacked the agreed, formal structure by which official business could be effectively conducted.

[174] Sharkey, "Arab Identity and Ideology in Sudan: The Politics of Language, Ethnicity, and Race," 33.

southern schools as a subject.[175] In April 1955 the Education Minister stated that he would seek a unified system of education across Sudan, so that by 1964 it would be possible for southern boys to take the exam to enter intermediate school in Arabic.[176] In 1957, the Minister of Education announced that the government wanted to take direct and full charge of education in the south. The absorption of the missionary schools by the government, and the new Arab-Islamic curriculum, was one of the causes of southern resentment and helped contribute to the southern parliamentary revolt that precipitated the Abboud regime's *putsch*.[177]

Many southerners understood northern concerns over allowing English and native languages to thrive. As Alier explains, the Condominium's prohibition of Arabic in the south had been 'in no conceivable way for the benefit of its people, whether they were to become independent or join East Africa or the north.'[178] With the collapse of the Southern Policy in the late 1940s, Arabic soon regained its status as a practical language to learn in southern towns and might have continued to spread through peaceful commerce.[179] However, the imposition of the language, especially under the Abboud and Maghoub governments, disaffected southerners who might otherwise have been receptive towards that element of integration. An example came in 1958, when Arabic was made the official, national language of Sudan. Southerners protested this move because it was culturally insensitive and because most southern officials, lacking a working knowledge of Arabic, were now considered unfit for much government employment.[180] By contrast, language was not nearly as contentious an issue in the second war. This was partially a result of the less aggressive efforts on the part of the central government to force southerners to speak Arabic, but primarily because of the early nationalist vision of the SPLM/A, which

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[175] Albino, *The Sudan: A Southern Viewpoint*, 29. Albino believes this was because the language would eventually be used for administration in place of English.
[176] Arou, "Devolution and the Southern Problem in the Sudan," 120.
[177] Lobban, interview. Interview by author with Kazim Omer, Canberra, 2009. Poggo, "General Ibrahim Abboud's Military Administration in the Sudan, 1958-1964," 72. Holt, *A Modern History of the Sudan*, 179. Oduho and Deng, *The Problem of Southern Sudan*, 45.
[178] Abel Alier. "The Southern Sudan Question." *The Southern Sudan: The Problem of National Integration.* Ed. Wai, Dunstan M. London: Frank Cass, 1973, 15.
[179] Beshir, *The Southern Sudan: From Conflict to Peace*, 150. Al-Rahim, *Imperialism and Nationalism in the Sudan*, 5.
[180] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 100. Idris, *Conflict and Politics of Identity in Sudan*, 50. Oduho and Deng, *The Problem of Southern Sudan*, 47. Poggo, "General Ibrahim Abboud's Military Administration in the Sudan, 1958-1964," 75. Importantly, learning Arabic was also essential to advance in the military, alienating southerners entirely from their government and that institution.

did not prioritize making a distinction between Arab and African cultural identities. SPLM/A leader John Garang recognized the usefulness of Arabic as a national language, but warned northerners against cultural chauvinism with regards to its spread.[181] Garang's early desire to create a new vision of Sudanese nationalism – rather than continue the old, exclusively southern, anti-Arab objectives of the first insurgency – demonstrated the degree to which education had changed the way insurgent elites thought about the problem of Sudan.

THE BLURRING OF IDENTITY DURING PEACE AND THE FORMATION OF THE SPLM/A

The AAA led to early unity in the south, but also the localism and provincialism northern nationalists had feared. A significant contribution of the agreement was psychological: the degree to which it fostered an understanding of Sudanese national unity in the south. This was contrary to the expectations of many northerners, who feared that southern regional autonomy was the first step towards separation.[182] Despite their preference for the machinery of regional government, southerners became more integrated in national politics than ever before. In fact, it was not the creation of the southern region, but its redivision into three provinces which would eventually lead to hostilities recommencing. With the signing of the AAA and the dissolution of the SSLM, southern Sudan's nationalist movement began to wither. The peace and stability in the post-AAA south led instead to two consecutive, contradictory phenomena: an increased tendency towards tribalism and localism on an administrative level and a broader vision for how to address disparity between the north and south on a national level. The former generally defined the characteristic of southern politics until the early 1980s. The latter defined the form the insurgency would take when the AAA collapsed in 1983.

In Sudan's past, during periods of peace and stability, groups have shown a propensity to either blur the lines between each other or become more receptive to

[181] Garang, *John Garang Speaks*, 129.
[182] Deng, *War of Visions: Conflict of Identities in the Sudan*, 157.

adopting new identities, or characteristics previously associated with other groups.[183] While long periods of Sudan's history since independence have seen northern and southern factions seeking to demarcate cultural identity with increasingly defined lines, identities are not inevitably distinct, permanent, or uniformly perceived by group members. For example, Fur and Beja are deeply Muslim communities, yet adhere to African traditions with no Arab origin. Southerners have for generations used Arabic as the *lingua franca* of commerce, yet feel little compromise to their own ethnic identities.[184] As Bona Malwal surmised about the first war, 'The eastern and western Sudan, indeed the rural Sudan, may already have come to realize that the South struggled, not against Islam, but for its share of power at the national level and for an equitable distribution of economic benefits'.[185]

In this sense, language, culture, history, and religion are not necessarily immutable elements by which groups are mercilessly driven: under the right circumstances they can be instruments by which to create a national identity. While nationalism traditionally assumes a foundation on some ethnic core, in many post-colonial states, political leaders simply do not have the powers of persuasion or coercion to reconstruct national identity along such ethnic lines.[186] Northern nationalists in the first war aggressively sought to impose their culture on southerners, but ended up pushing too hard and only ensured insurgency and war. The slow encroachment of Islamists on secular national institutions concerned southerners until the September 1983 Islamic laws, which imposed brutal punishments such as amputation.[187] The

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[183] Deng, *War of Visions: Conflict of Identities in the Sudan*, 408, 454. Holt, *A Modern History of the Sudan*, 6, 9. In Sudan there are multiple historical instances of the artificial construction of key elements of cultural identity, examples include the ancestral linkages many northerners claim to the Prophet Mohammed and his companions and the formation of 'synthetic' tribes, such as the Kababish of Kordofan.

[184] Lesch, *The Sudan: Contested National Identities*, 4, 210. Deng, *Africans of Two Worlds*, 233. Deng writes that after the southern autonomy granted by the AAA, acknowledging Sudan's Arab-African identity became very easy for southerners to do, though it had been anathema to southerners during the course of the war.

[185] Malwal, *The Sudan: A Second Challenge to Nationhood*, 23.

[186] Lesch, *The Sudan: Contested National Identities*, 5. Fearon and Laitin, "Violence and the Social Construction of Ethnic Identity," 856. Ethnic groups have more permeable boundaries than states. States have tremendous difficulty in attempting to achieve cultural uniformity, even under totalitarian conditions. Mohammed Ayoob. "State Making, State Breaking, and State Failure." *Turbulent Peace: The Challenges of Managing International Conflict.* Eds. Crocker, Chester A., Fen Osler Hampson and Pamela Aall. Washington DC: United States Institute of Peace Press, 2003, 135. Commonly, the linking of 'such a potent ideology as self-determination to a malleable idea like ethnicity' can lead to tension in insurgencies.

[187] Sidahmed, *Politics and Islam in Contemporary Sudan*, 159. Taisier M. Ali, Robert O. Matthews and Ian Spears. "Failures in Peacebuilding: Sudan (1972-1983) and Angola (1991-1998)." *Durable Peace: Challenges for Peacebuilding in Africa.* Toronto: University of Toronto Press Incorporated, 2004, 293. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 435.

declaration of *Sharia* laws ended the tensions between southern factions which had been at odds over the issue of redivision, turning the collective resentment of the south towards Khartoum.[188] By this point the AAA had collapsed, and the south was at war again. Nimeiri's Islamization program was met with opposition even from the southern factions Nimeiri had traditionally relied on. Abel Alier and Joseph Lagu overcame their suspicion of each other to write a joint open letter in which they warned the president that amendments to Islamize the constitution would upset the order upon which peace in the south had relied.[189]

Had economic and ideological factors not intervened, the AAA could have formed the basis for national integration which had until this time eluded the regimes in Khartoum. Nimeiri emerged from the AAA talks in 1972 with more popular support than any regime before him, including from a quarter of the population which had previously been at war with the rest of the state. As late as 1978 it could be speculated, with regards to national integration efforts of the 1970s, that 'the dynamics in the process are quite likely to blur, if not eliminate, the South-North dividing line in favour of consolidated national unity'.[190] Many Dinka chiefs considered the post-AAA period an opportunity to prove themselves as southerners, not to let Nimeiri stand alone in his efforts to integrate and strengthen the Sudanese state.[191] Catering to these traditional leaders might have provided an opportunity to achieve these objectives, but Nimeiri was unable to do so. Instead, the next effort at forging a new, more inclusive Sudanese identity would come not from Khartoum but from the second wave of southern insurgents. The formation of the SPLM/A after the separatist ambitions of the first war was 'a victory for the nation-building ideals successive Khartoum regimes have purported to espouse'.[192]

National events also halted integration efforts. The aftermath of the 1975 *coup* began a period in which Nimeiri would focus on enhancing his personal power over the state. Under the 1973 constitution, the president was a strong executive with

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[188] O'Fahey, interview. Madut-Arop, *Sudan's Painful Road to Peace,* 57.
[189] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 430-431, 551-552.
[190] Deng, *Africans of Two Worlds*, 188-189.
[191] Deng, *Africans of Two Worlds*, 194.
[192] Daly, "Broken bridge and empty basket," 5. Deng, *War of Visions: Conflict of Identities in the Sudan*, 2.

significant control over the legislature as well. Amendments introduced after the 1975 *coup* attempt would give him even more authority, disrupting an already slim balance of power.[193] Although Nimeiri did not use these powers to abrogate the AAA, there were still ramifications for southern government. The self-government act of 1973 pertaining to the south was ambiguous or silent on some issues connected with executive and legislative functions of government.[194] Regional government in the south consisted of a parliamentary system in which the executive was directly dependent on the legislative body, yet the *national* executive was a strongly authoritarian presidency. The 1975 *coup* showed how difficult this system might become to perpetuate, since other regions might want the same parliamentary freedom at a sub-national level, potentially damaging the authoritarian foundations of the May Regime. Accordingly, Khartoum tried to reassert more control over the south in order to decrease the disparity of freedoms between that region and the rest of Sudan.[195]

At the beginning of the second civil war, a group of southern military officers formulated a new response to the cultural insecurity which they believed drove Sudan's center-periphery structure. The SPLM/A sought not secession or regional autonomy, but to advance a new Sudanese identity by breaking the dichotomy it believed was instigating conflict. It noted that these blurred identities in Sudan make the division of the state unfeasible, regardless of how much popular support that idea had in the south. Its New Sudan project sought to create a democratic secular state in which traditionally marginal areas of the state had permanent access to power at the

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[193] Fadlalla, "The Search for a Constitution," 47.

[194] Hamid, "Aspects of Sudanese Foreign Policy," 132.

[195] El Obeid, *Political Consequences of the Addis Ababa Agreement*, 41-42. Michael Bratton and Nicolas van de Walle. *Democratic Experiments in Africa.* Cambridge: Cambridge University Press, 1997, 78-81. Following the most common models of neopatrimonial rule common in Africa as a guide, after 1972 southern Sudan was a competitive one-party system operating within a plebiscary one-party regime controlled from Khartoum. Hamid, "Aspects of Sudanese Foreign Policy," 132. 'A related anomaly was that the 1973 constitution let Nimeiri dissolve the National Assembly, but the Addis Ababa Agreement made no such provision for the Regional Assembly.' When Nimeiri would later dissolve the latter body, he would note the discrepancy but charge that he was doing so under his expanded presidential powers after the 1975 amendments. Kok, *Governance and Conflict in the Sudan 1985-1995*, 127. *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of Sudan*, Appendix(A), section 3v. Kok notes that the amendments curtailed human rights, such as freedom of movement, allowed for administratively ordered detentions, and prevented judicial review of presidential decrees. This was the first major violation of the AAA, which protected the right to the writ of *habeus corpus.*

center.[196] The original SPLM/A manifesto declared, 'Although the movement has started by necessity in the south, it aims eventually at engulfing the whole country in socialist transformation. The SPLA is fighting to establish a United Socialist Sudan, not a separate Southern Sudan'.[197] Nevertheless, East Bloc states were suspicious of the socialist credentials of the movement, noting that not a single SPLM/A leader was a known communist. In addition the Sudanese Communist Party disavowed the SPLM/A as not communist, declaring instead that it was a separatist movement.[198]

The SPLM/A's vision of national revolution, and its eventual retreat to southern self-determination if that vision could not be achieved, made it a difficult movement to classify in comparative analysis with other African insurgencies. The multiplicity of its sometimes contradictory goals is not a result of a poorly articulated vision or of ideological vagueness. Rather, it is an inevitable by-product of a movement which has been fighting for several decades. The war between Khartoum and the SPLA, Africa's longest-running conflict, has simply been a continuity for so long that it effectively defies comparison with most other African conflicts. As Johnson notes, the most useful comparison of the SPLA is not to other African insurgencies, but to the Anya Nya. This is because the SPLM/A was formed not to emulate the Maoist or separatist insurgencies then found throughout Africa, but to rectify the flaws of the earlier Anya Nya insurgency. These included poor organization, tension between political and military leaders, a lack of supplies and poor training.[199] The Anya Nya's call for self-determination in the south prevented it from relying on the prospect of federalism to form alliances with other remote regions of Sudan (as the Liberal Party

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[196] Mohammed O. I. Maundi, William Zartman, Gilbert M. Khadiagala and Kwaku Nuamah. *Getting In: Mediators' Entry into the Settlement of African Conflicts.* Washington: United States Institute of Peace, 2006, 129-130. The authors argue that the SPLA's original socialist objectives and rhetoric were abandoned by 1986 with the SPLA's participation in the Koka Dam discussions in favor of advocacy of a democratic secular state, making it likely that the movement's early militancy was a response to Nimeiri and the military regime which replaced him. The collapse of most socialist regimes in Eastern Europe by the end of the 1980s meant the SPLM/A's discarding of socialist rhetoric completely. Luka Biong Deng, "Education in Southern Sudan: War, Status and challenges of achieving Education for All Goals." *Respect* 4 (November 2006), 18. While the SPLM/A advanced a Sudanese national political consciousness which did not exist in the SSLM movement, Deng writes that it retained the deference for indigenous cultures, noting that under SPLM/A education programmes, children were to be taught their native language for at least three years. Yongo-Bure, *The Economic Development of Southern Sudan*, 170. Foreign funded projects were more effective than those introduced by the central and regional governments, but were nevertheless not integrated enough to avoid significant wasted resources.

[197] Sidahmed, *Politics and Islam in Contemporary Sudan*, 159. International Crisis Group. *God, Oil and Country: Changing the Logic of War in Sudan.* 10 January 2002, 109.

[198] Madut-Arop, *Sudan's Painful Road to Peace,* 88.

[199] Johnson, "The Sudan People's Liberation Army and the Problem of Factionalism," 53-54.

had had some success in doing politically in the late 1950s).[200] On the other hand, the SPLA call for a national revolution gave it political flexibility and regional support, but complicated efforts to effectively advocate for southern unity.[201] Consequently, the movement's base still remained susceptible to fractiousness and division, as the 1990s would demonstrate.

One theory concerning southern objectives in the two wars argues that the popularity of separatism among southerners during both wars indicates that the second war is essentially a continuation of the first.[202] This analysis underplays the role of elites in the various conflicts, and does not adequately account for the difference in the composition of the insurgencies, particularly the alliances made in the second war with rebels in non-southern areas of Sudan. SPLM/A goals affected the very structure of the movement, which had different internal organization than the Anya Nya. The SPLA was modelled on the Sudanese army, making it a more disciplined, and effective force than its rival Anya Nya 2 militias.[203] It was staffed with many senior officers who had deserted the national army, along with about 2,000-3,000 civilian recruits.[204] The SPLM/A attempted not to base its administrative division of conquered areas along tribal lines, as had been commonly done in the first war. Instead, the leadership structured administration within the boundaries of existing sub-provinces, or provinces which had existed before the war.[205] Unlike insurgents in the first war, it took few initial steps to create a 'shadow government'. This variance was primarily a consequence of the movement's ultimate goal: it did not see itself as a southern 'alternate government'; it sought instead a unified and secular 'New Sudan'.[206] Most administration in captured areas correlated with the old Native

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[200] Johnson, "The Sudan People's Liberation Army and the Problem of Factionalism," 56.
[201] Johnson, "The Sudan People's Liberation Army and the Problem of Factionalism," 57.
[202] Pierre M. Atlas and Roy Licklider. "Conflict among Former Allies after Civil War Settlement: Sudan, Zimbabwe, Chad, and Lebanon." *Journal of Peace Research* 36 (1999), 38.
[203] Johnson, *The Root Causes of Sudan's Civil Wars*, 62. Jack Kalpakian. "War Over Identity: the case of Sudan." *Big African States*. Eds. Clapham, Christopher, Jeffrey Herbst and Greg Mills. Johanesburg: Wits University Press, 2006, 51. Though less disciplined, the Anya Nya 2 force was initially larger than the SPLA. Garang estimated that 60% of the initial SPLA troops came from the revived separatist movement.
[204] Kamal Osman Salih. "The Sudan, 1985-9: The Fading Democracy." *Sudan After Nimeiri*, Ed. Woodward, Peter. London: Routledge, 1991, 65. Woodward, *Sudan, 1898-1989: the Unstable State*, 211. Johnson, *The Root Causes of Sudan's Civil Wars*, 92.
[205] Johnson, "The Sudan People's Liberation Army and the Problem of Factionalism," 59.
[206] Johnson, *The Root Causes of Sudan's Civil Wars*, 105. Yongo-Bure, *The Economic Development of Southern Sudan*, 198. Jeni Klugman and Emily Gosse Kallaur. "Developmental transformation and peace consolidation in southern Sudan." Sudan: Prospects for Peace. Eds. Marion Couldrey and Tim Morris. *Forced Migration Review*

Administration and the Southern Regional governments.[207] In addition, an over-reliance on NGOs as substitutes for state administration not only hindered the development of genuine administration by the SPLM/A, but also hindered further integration of the region.[208] The SPLM/A sought to control NGO support by creating programs such as the Sudan Transitional Assistance and Relief (STAR), which was meant to re-establish southern civil society in SPLA-controlled regions, but this had middling success.[209]

The SPLM/A objective to challenge the foundation of Sudanese national identity also directly challenged the foundation of southern resistance. While separatism may never have been an achievable goal for early southern insurgents, it at least had a rationale that could be clearly understood by northerners and southerners alike. Calls for separatism were the most extreme method southerners had to alert northerners of the injustice and oppression which they felt epitomized the northern presence in the south. The separatist position had appeal to southerners too: there is some evidence that separatism had always been broadly, if shallowly, supported by most southerners,

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24 (November 2005), 17. The SPLA finally set up an organization to administer territory it controlled in 1996. The Civil Authority for New Sudan (CANS) had minimal government functions, and no regularly paid staff or contract employees. Adele Sowinska and Wendy Fenton. "NGO coordination in south Sudan." Sudan: Prospects for Peace. Eds. Marion Couldrey and Tim Morris. *Forced Migration Review* 24 (November 2005), 27. Because of the absence of a tax base, the SPLA instead taxed NGOs operating within its territory, a practice which was tolerated by many NGOs in the region. Yongo-Bure, interview. After USAID and other NGOs succeeded in vaccinating cattle against rinderpest, the SPLA was able to tax herds driven to Uganda for food. The SPLA attempted to set up taxation structures by the mid-1990, with mediocre results. The Equatorian town of Yei, one of the main thoroughfares between East Africa and southern Sudan, served as a customs place where revenue was collected for the SPLA treasury.

[207] Johnson, *The Root Causes of Sudan's Civil Wars*, 105.

[208] Ali, Matthews and Spears, "Failures in Peacebuilding: Sudan (1972-1983) and Angola (1991-1998)," 290. Johnson, interview. Donato, interview. Luka Biong Deng, "Education in Southern Sudan: War, Status and challenges of achieving Education for All Goals." *Respect* 4 (November 2006), 7. Until the mid-1990s, the largest NGO operating in southern Sudan was Operation Lifeline Sudan, which SPLA official Luka Biong Deng asserts was the '*de facto* government' during that period in SPLA-controlled regions. Goldsmith, Abura and Switzer, "Oil and Water in Sudan," 216. Machar's ability to pose his counterinsurgency as a crusade for human rights placed him 'in an enviable position to benefit from Operation Lifeline Sudan largess when he launched his anti-SPLA/M rebellion.'

[209] Peter Woodward. *US Foreign Policy and the Horn of Africa.* Hampshire, UK: Ashgate Publishing Limited, 2006, 107-108. The US became involved with the Sudan Transitional Assistance and Relief program (STAR) in 1997, which had the additional mission of reconstructing civil society in the south in accordance with SPLA priorities. Donato, interview. The SPLA could be severe about NGO compliance with its guidelines, demanding that those operating within its control sign memoranda of understanding declaring they would abide by SPLA rules and restrictions. Adam Branch and Zachariah Cherian Mampilly. "Winning the war, but losing the peace? The dilemma of SPLM/A civil administration and the tasks ahead." *Journal of Modern African Studies* 43:1 (2005), 4. Donato, interview. Claire Metelits. "Reformed Rebels? Democratization, Global Norms and the Sudan People's Liberation Army." *Africa Today* 51:1 (Fall 2004), 75. The SPLA finally became more involved directly in development projects by 1999, with the creation of the Sudan Relief and Rehabilitation Association (SRRA).

especially in Equatoria, and during the second war, in Bahr Al-Ghazal.[210] The call for a constitutional conference, a 'back to the drawing board' approach to a constitution that would be fair and equitable to all regions, was first made by the SPLM/A. Previous nationalist initiatives had all originated from forces in the north.[211] The SPLA's military challenge to northern identity was even more dramatic. Once the insurgency began making significant gains against the Sudanese Army in the mid-1980s, opposition to them began consolidating in the north. The SPLA advance on Kurmuk and Gaysan in the southern Blue Nile region during late 1987 in particular was seen as a threat by the Sadiq Al-Mahdi government, which was both offended and alarmed that a southern rebellion could capture what were considered the northern areas of the state.[212] The government resented the SPLM/A's claim to represent northern Sudanese as well as southerners, an indignity the state had never faced from the Anya Nya.[213] The insurgents advance was greeted with more panic in the north than earlier hostilities from neighboring states such as Ethiopia and Libya had fostered, resulting in a wave of nationalist rhetoric in which Khartoum called on other Arab states to defend Islam, and an anti-southerner backlash rose again.[214]

Over time, SPLA intrusion into the north became commonplace, especially as its broad message of a New Sudan began to translate into recruitment of insurgents in remote areas such as the Nuba Mountains, Darfur, and the Beja regions.[215] The Nuba were particularly involved in the SPLA's campaign against Khartoum. Marginalized

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[210] Johnson, *The Root Causes of Sudan's Civil Wars*, 84. Sidahmed, *Politics and Islam in Contemporary Sudan*, 160. "The Sudan-IGAD Peace Process: Signposts for the Way Forward." *African Security Analysis Programme.* Occasional Paper 86, March 2004, 11.

[211] Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 49.

[212] Sidahmed, *Politics and Islam in Contemporary Sudan*, 163. Salih, "The Sudan, 1985-9: The Fading Democracy," 67. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 43. Yongo-Bure, interview. The SPLA's capture of Kurmuk in 1987 and 1989 heightened racial animosity and polarized both Arab and African states, causing them to send support to Khartoum and the insurgency respectively. Madut-Arop, *Sudan's Painful Road to Peace,* 172-173. The author notes that Al-Mahdi's coalition partner, Al-Mirghani of the DUP, was particularly instrumental in acquiring aid for renewed offensives against the SPLA. Kok, *Governance and Conflict in the Sudan 1985-1995*, 63, 65. Kok highlights the difference in reaction between the taking of Kurmuk and Gaysan and the taking of the southern town of Kapoeta weeks later, in which outrage among the establishment was muted. This was in conjunction with racist propaganda practiced by the DUP and Umma parties after Kurmuk's fall, which argued in favor of defense of Arab culture against an African menace.

[213] Johnson, *The Root Causes of Sudan's Civil Wars*, 83. Lesch, *The Sudan: Contested National Identities*, 93. Mansour Khalid. *John Garang Speaks.* Ed. Khalid, Mansour. London: Kegan Paul International, 1987, iv, 5.

[214] Woodward, *Sudan, 1898-1989: the Unstable State*, 212. Salih, "The Sudan, 1985-9: The Fading Democracy," 67. Lesch, *The Sudan: Contested National Identities*, 93. Kok, *Governance and Conflict in the Sudan 1985-1995*, 63, 159. Yongo-Bure, interview. Iraq began aiding Khartoum after the SPLA capture of Kurmuk in October 1987, providing air support against the insurgents.

[215] Johnson, *The Root Causes of Sudan's Civil Wars*, 127. Johnson, interview. Interview by the author with Ahmed Al-Shahi, Oxford, 2007.

from the riverine center, yet not dissimilar or remote enough to seek separation, the Nuba had no deep ties to the state. Although Nuba were anti-secessionist during the first civil war, they had built no lasting political alliances with the north during the parliamentary periods.[216] The Nuba considered themselves among the most indigenous of Sudanese, and while those who joined the SPLA also sought self-determination, this was more to advance regional autonomy and access to power nationally rather than secession.[217] Their participation in the second war was a significant boost to the SPLM/A's campaign against the traditional arabized conception of Sudanese identity, but did not signify that the Nuba now considered themselves culturally or politically southern.

Under the right circumstances, the SPLM/A might have reached an agreement with northern nationalist parties such as the DUP or Umma, in which it achieved its minimum goals of a national constitutional conference and a united Sudan with respect for secular principles. However, the unstable nature of northern Sudanese democracy thwarted efforts to achieve a solution before the 1989 *coup* which brought Bashir's Islamist-military coalition to power.[218] Unlike the sectarian parties and trade unions the SPLM/A engaged with in the 1980s, the new junta was a mixture of military authoritarianism and revolutionary Islam. The lack of a nationalist core in the NIF regime first made compromise impossible with SPLM/A, then made it possible only as long as identity was codified and segregated. As a result, the CPA is not an agreement promoting national identity or integration as the AAA was: it is a codification of regional identities.

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[216] Johnson, *The Root Causes of Sudan's Civil Wars*, 131, 135. Nuban SPLA commander Yusuf Kuwa called the Nuba a 'prisoner of geography', marginalized enough to seek access to the central government, yet not seek an independent state.

[217] Biong Kuol Deng. "The Legal Implications of the Sudan Peace Process: Interpretation of the Texts of the Agreements," *The Sudan Peace Process: Challenges and Future Prospects*, Ed. John G. Nyuot Yoh and Eddy Maloka. East Lansing, Michigan: Michigan State University Press, 2005, 115.

[218] Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 49. The Al-Mahdi government had agreed to hold a constitutional conference which included the SPLA in September 1989, but the NIF-backed *coup* of June 1989 intervened.

THE EVOLUTION OF SELF-DETERMINATION AS A SOUTHERN DEMAND AND THE 1991 SPLA SPLIT

The self-determination movement in southern Sudan has always faced a conundrum: it has for decades routinely been suspected of advocating secession, which most southerners seem to prefer, yet which seemed unlikely to be implemented either through violence or negotiation. Self-determination was a useful rallying cry for southern politicians in the first war because of its potential to unite a broad coalition of peoples with grievances against Khartoum. During the 1960s, though most SANU members ultimately hoped to separate peacefully from the Sudanese state, the movement officially championed not secession but self-determination.[219] The vagueness of the concept made it easier to defend than those of specific solutions such as secession, federation, or regional autonomy. However, it also forced advocates of self-determination to defend themselves against charges of secretly supporting secession. In addition, in the first war it helped confuse the ultimate objectives of southerners, and therefore the purpose of the movement.

The lack of any political coherence in the separatist movement during the first war was exemplified at the 1965 Round Table discussions, in which southern leaders could not put a united front to their demands from the north. William Deng's SANU faction endorsed federation, Aggrey Jaden's faction endorsed peaceful separation, and the Southern Front called for a self-determination referendum allowing options ranging from a unitary government to secession, a prospect which northern delegates abhorred as it seemed likely the south would vote to secede if such an option were presented.[220] Northerners declared they would allow, at most, a negotiated form of regional government for the south.[221] While many southern delegates might have been receptive to an autonomous arrangement, they could not remove the separation option from the table. To rule out the option would split the already weakly aligned

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[219] Johnson, *The Root Causes of Sudan's Civil Wars*, 31. O'Ballance, *Sudan, Civil War and Terrorism, 1956-99*, 17. Oduho and Deng, *The Problem of Southern Sudan*, 60.

[220] Lesch, *The Sudan: Contested National Identities*, 41. O'Ballance, *Sudan, Civil War and Terrorism, 1956-99*, 29, 31. Abel Alier. "The Southern Sudan Question." *The Southern Sudan: The Problem of National Integration.* Ed. Wai, Dunstan M. London: Frank Cass, 1973, 22. Arou, "Devolution and the Southern Problem in the Sudan," 126. Albino, *The Sudan: A Southern Viewpoint*, 54-55.

[221] O'Ballance, *Sudan, Civil War and Terrorism, 1956-99*, 31. Wai, "Political Trends in the Sudan and the Future of the South," 152. Albino, *The Sudan: A Southern Viewpoint*, 54. Arou, "Devolution and the Southern Problem in the Sudan," 126. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 85.

southern groups. Attendees also had concerns that politicians who had not attended the conference in Khartoum would use the compromise to build their own prestige, denouncing those southerners who had participated as 'sell-outs'.[222] So personality-based and ideologically unserious was the political movement of the 1960s that by 1971, several leading separatist politicians finally came together to back the military leader Lagu, who after the drafting of the AAA declared that he had never actually been a separatist.[223]

The demagoguery of the issue of secession by southern politicians in the first war seemed to be a response to the various new offensives against southern resistance launched by successive governments in the 1960s. The more aggressive northerners became towards the south in the war, the less southerners were able to picture an amicable solution in which Sudan remained united. This trend began anew in the second war after the Islamist *coup* in 1989. As the Islamist regime in Khartoum alienated an ever-larger portion of the Sudanese population, it managed to foster a new separatist movement within SPLA ranks. As in the first war, this movement was based more on personal ambitions and general frustration than on any connection to the broad appeal such a message might have with the southern public. As some SPLA officers concluded that the NIF regime would never submit to the New Sudan policy of a multi-religious, secular democratic Sudan, a wiser strategy would be to allow Khartoum its homogenous Islamic state in the north while negotiating with it for southern independence. In this way, the ascent of the post-nationalist Bashir regime led directly to the rupturing of the SPLA goal of a united New Sudan.[224]

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[222] Beshir, *The Southern Sudan: From Conflict to Peace*, 12.

[223] Deng, *War of Visions: Conflict of Identities in the Sudan*, 159. Beshir, *The Southern Sudan: From Conflict to Peace*, 67. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 126. Kasfir, "Sudan's Addis Ababa Treaty: Intraorganizational Factors in the Politics of Compromise," 145. Christopher Clapham. "Introduction: Analysing African Insurgencies." *African Guerrillas*. Ed. Christopher Clapham. Oxford: James Currey Ltd, 1998, 9. Clapham cites the distinction between educated insurgency leaders and those who lack education, noting that in an African context the latter lack the ability 'to create disciplined movements with clearly defined political projects'. This would seem to be a relevant distinction between Garang and Lagu. The former sought a specific revolutionary concept of a New Sudan, the latter fought for a vaguely separatist cause, but had little ideological groundation. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 93. 97.

[224] Johnson, interview. Johnson notes that he can remember no statement from the SPLA or any of its members that southern self-determination was being considered as a 'fallback position' to national revolution prior to the 1991 schism in the movement. Morten Bøas and Kevin C. Dunn. "African Guerrilla Politics: Raging Against the Machine?" *African Guerrillas: Raging Against the Machine*. Eds. Bøas, Morten and Kevin C. Dunn. Boulder, Colorado: Lynne Rienner, 2007, 9. The anti-Garang faction had a history in Africa to turn to in stating that the objective of overthrowing the government in Khartoum was futile: in the history of post-colonial African conflict,

The SPLA, for much of its early existence was run fairly autocratically by John Garang, whose reluctance to delegate power and to respect tribal priorities over political and military objectives was also at the heart of the 1991 schism. A major factor in the split was Garang's decision, by late 1990, to attempt to take Juba, the heavily fortified Equatorian capital that no rebel force was ever able to capture from the government in either war. Johnson writes that Garang's detractors within the movement knew that once he took Juba he would become essentially unstoppable, so they decided to attempt a revolt against him soon after the Marxist Ethiopian regime supporting the insurgents fell in May 1991, when SPLA forces would be disorganized and weak.[225]

The SPLA's disciplined structure, which put national strategy foremost, had the potential to cause some dissent among not just rival elites in the movement, but its fighters in the most vulnerable areas of the south. A focus on regional strategy over a more grassroots concentration on individual fronts sometimes meant the separation of fighters from their home territory, potentially leaving their land and families exposed to the enemy. This practice became a contentious issue in the mid-1980s, when Misseriya raids on the Dinka and other tribes in Bahr Al-Ghazal led some of Garang's rivals to step up their criticism of his leadership.[226] More bloody dissent would manifest itself tribally however, when in November 1991 30,000 Nuer united under former SPLA commander Reik Machar to declare war against Garang's faction and its Dinka base.[227] The new group, SPLA-United, was only one of a myriad of

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by 1991 only two insurgencies had fought a successful war from the hinterland to take the capital, Hissen Habré's forces in Chad in 1979 and Yoweri Museveni's forces in Uganda in 1986.

[225] Johnson, *The Root Causes of Sudan's Civil Wars*, 94. Alex De Waal. *Islam and Its Enemies in the Horn of Africa.* London: Hurst & Company, 2004, 189. Yehudit Ronen. "Ethiopia's Involvement in the Sudanese Civil War: Was It As Significant as Khartoum Claimed?" *North African Studies* 9:1 (2002), 110. Woodward, interview. While most of the revolt's leaders claimed support for separation, some of Garang's dissenters simply disliked his tactics, not his unionist strategy. They felt he had become too reliant on the Ethiopians, as demonstrated by the SPLM/A's weakness after Mengistu's fall.

[226] Madut-Arop, *Sudan's Painful Road to Peace,* 167, 191. The author cites one case where the leaders of an SPLA unit were executed by their superiors for attempting to leave their posts in order to return to Bahr Al-Ghazal to defend their people against Misseriya attacks.

[227] Scott Peterson. *Me Against My Brother: At War in Somalia, Sudan and Rwanda.* London: Routledge, 2000, 217. ICG, *God, Oil and Country,* 134. Lobban, interview. Roger Dean. "Rethinking the civil war in Sudan." *Civil Wars* 3:1 (March 2000), 80. Madut-Arop, *Sudan's Painful Road to Peace,* 284. Ann Kelleher. "A Small State's Multiple-level Approach to Peace-making: Norway's Role in Achieving Sudan's Comprehensive Peace Agreement." *Civil Wars* 8:3 (September 2006), 300. Idris, *Sudan's Civil War*, 129. Lam Akol, a Shilluk, and

new southern groups to form during the 1990s, but the only one with any real initial power to damage SPLA-Mainstream (Garang's original faction). The split took on a dramatic new tribal dimension early on, when Nuer units in the SPLA began killing Dinka officers in anticipation that they would not support the new movement.[228] Such slaughter instantly branded the new faction a tribal-oriented movement, a label from which the SPLA breakaway groups never overcame.[229]

Khartoum encouraged this split and indeed allied with the separatist SPLA-United for several years throughout the 1990s in order to weaken the southern insurgency as a whole by playing factions against each other.[230] Most separatists groups were highly tactical, and as a result were natural allies of the NIF regime, despite obvious ideological incompatibility. Yet unlike that regime, few separatists had serious ideological underpinnings to their movements and were driven more by ethnic insecurity.[231] Members of many smaller tribes, and large ethnicities that felt excluded, such as the Nuer, considered Khartoum to be a long-term enemy. However, the authoritarian nature of SPLM/A leadership, as well as the tendency for high positions to be filled by Dinka, instigated other groups to revolt and form militias that favored separatism but also accepted backing from the government.[232] This paradox was difficult to justify to those outside any given militia's dominant ethnic group, and eventually sapped away at the credibility of these factions. It became yet another example of tribalism stifling a broader-based southern nationalism.

Reik Machar, a Nuer, merely by virtue of their non-Dinka ethnicity, helped a tribal element materialize to the 1991 schism.

[228] Madut-Arop, *Sudan's Painful Road to Peace,* 279.

[229] Dean, "Rethinking the civil war in Sudan," 80. Johnson, "The Sudan People's Liberation Army and the Problem of Factionalism," 59. In the second war, SPLA insurgents from different tribes were much more mobile than the Anya Nya had been in the first. Nuer soldiers had a heavy presence in Equatoria, and were there *en masse* at the time of the SPLA split in August 1991. Goldsmith, Abura and Switzer, "Oil and Water in Sudan," 215. During the heat of this fighting, many rural Dinka ended up believing that the SPLA-Mainstream was an organization defending its interests in opposition to the competing interests of other ethnic groups.

[230] Lesch, *The Sudan: Contested National Identities*, 157-158. Al-Shahi, interview.

[231] Donato, interview. Donato notes that in several areas of the south, tribal allegiances remain stronger than ideology. He explains that tribalism was a major factor in the Nuer split from the SPLA in 1991, as was the defection of former SPLA member Martin Kenyi to the Equatoria Defense Forces in the mid-1990s, a faction of the Khartoum-supported South Sudan Defense Force militia which Salva Kiir was not able to reconcile with until 2004. Johnson, "The Sudan People's Liberation Army and the Problem of Factionalism," 54. Johnson states that Garang, when questioned about the Marxist element of his early movement, explained that 'his main task had always been to mobilise the anger of the Southern Sudanese against the government of the Sudan, and in attempting that task he found that the Southern Sudanese had little interest in ideology'.

[232] Mohammed Suliman. "Civil War in Sudan: The Impact of Ecological Degradation." *Environment and Conflicts Project (ENCOP)* Occasional Paper No. 4. Center for Security Studies and Conflict Research, Swiss Federal Institute of Technology. December, 1992, 24.

The separatist movement was instructive about the nature of Sudanese identity conflict in both wars. These factions were often a marriage between disenfranchised individual elites and the narrow base of their ethnic group.[233] Their petitions to represent a broader southern separatist movement failed, even though their goal of secession seemed to have more resonance with the public than John Garang's message of a united Sudan.[234] However, the movements did reintroduce separatism in a dramatic manner and forced Garang to concede that self-determination for the south should be an option if national liberation could not be achieved.[235] The NIF regime took advantage of these scaled-back SPLM/A ambitions to charge the main movement itself with separatism in an attempt to rob it of support from other marginalized areas of Sudan.[236] Moreover, the government never implemented the self-determination provisions of the agreements it signed with the southern militias, which resulted in many southerners eventually leaving the alliance with Khartoum. Some, like Reik Machar, even rejoined Garang's SPLA.[237]

Throughout most of Sudan's post-colonial history, few regional actors in East Africa have concurred with the principle of southern self-determination if it meant the possibility of secession. This was in part because of the potential separatist movements in several African states with arbitrarily-drawn colonial-era borders. In the first civil war, particularly with secession being the obvious goal of most southern

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[233] Murphy, "Assisting the return of the displaced Dinka Bor," 36.
[234] Metelits, "Reformed Rebels? Democratization, Global Norms and the Sudan People's Liberation Army," 72. Endre Stiansen. "GOS Revenue, Oil and the Cost of the Civil War." *Money Makes the War Go Round: Transforming the Economy of War in Sudan.* Maison International, Brussels, 12-13 June 2002, 24. Yongo-Bure, interview. Yongo-Bure notes that SPLA renegades such as Lam Akol and Machar also underestimated the power of Garang's personal charisma, noting that many southerners preferred to follow him because they admired his leadership qualities and his consistency, even if they did not agree with his unitary vision.
[235] Johnson, *The Root Causes of Sudan's Civil Wars*, 103, 178. Johnson, interview. Deng, *War of Visions: Conflict of Identities in the Sudan*, 20. ICG, *God, Oil and Country,* 161. Madut-Arop, *Sudan's Painful Road to Peace,* 277. Maundi, Zartman, Khadiagala and Nuamah, *Getting In: Mediators' Entry into the Settlement of African Conflicts*, 131, 147. The SPLA formally endorsed these dual goals in the1992-1993 Abuja process. Deng, "Education in Southern Sudan," 19. In addition, it was not until after Garang had to acknowledge the strong separatist strain in the SPLA in the early 1990s that he finally began making concessions to democracy within the movement and administration of SPLA-controlled territory. The first SPLA convention was assembled in 1994 and began a dialogue between the movement and southern civilians concerning economic governance and education. Yongo-Bure, interview. Donato, interview. Donato notes that many southerners were confused by Garang's actual stance concerning secession, and what the concept of 'New Sudan' meant; whether the term referred to a united, revolutionary Sudan or a separate southern state.
[236] Donald Petterson. *Inside Sudan: Political Islam, Conflict, and Catastrophe.* Boulder, Colorado: Westview Press, 2003, 205.
[237] ICG, *God, Oil and Country,* 135, 111.

insurgents, the south had few African allies. The inability of separatist groups in developing states to attract international support against ineffective regimes often led to protracted stalemates, followed by the formation of 'national unity' governments.[238] Such governments must be established, no matter how unwieldy or unrepresentative of the population at large, simply because no other options exist. The state lacks the power to quash the rebellion, and the insurgency lacks the power to successfully secede without international support. Such was the environment in which both the AAA and the CPA were concluded. In the second war, the SPLM/A received early support from states such as Libya and Ethiopia because of its anti-separatist agenda, and as a result posed a more significant threat to Khartoum than had the Anya Nya.[239] However, the geographic expanse of Sudan was so large and the government so well embedded in the capital and major northern towns that once again, the insurgency was forced to settle for a 'national unity' government.

In the past decade, scholars have questioned the wisdom of providing recognition to states which are incapable of controlling their internal security. Herbst has argued, using the southern Sudan as an example, that the devotion of African states to maintaining borders they cannot extend state power over is one of the crucial flaws in the post-colonial African political order.[240] He argues that benefits such as UN membership and financial dealings with the IMF and the World Bank have bestowed legitimacy on states which may not have demonstrated an ability to maintain internal stability and cohesion, but which are nevertheless favored at the expense of more effective regional or ethnic identities.[241] He further suggests that the US should 'decertify' states with no control over their hinterland as sovereign states, the way it does *de facto* with states that cannot control narcotics production.[242] Bøas and Dunn have noted that the outmoded fixation on nation-states in Africa has seen insurgent movements with valid grievances not as stakeholders in the states in which they

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[238] Pierre Englebert. "Whither the Separatist Motive?" *African Guerrillas: Raging Against the Machine.* Eds. Bøas, Morten and Kevin C. Dunn. Boulder, Colorado: Lynne Rienner, 2007, 62.
[239] Euler, "Human Rights in Sudan," 31. Khalid, *The Government They Deserve*, 404. Johnson, "The Sudan People's Liberation Army and the Problem of Factionalism," 58, 60. Libya, which abandoned its support of the SPLA after the fall of Nimeiri, had been the SPLA's only source of anti-aircraft missiles.
[240] Herbst, *States and Power in Africa*, 263.
[241] Herbst, *States and Power in Africa*, 100-101.
[242] Herbst, *States and Power in Africa*, 263, 264-265.

reside, but as sources of instability.[243] This re-examination of the sanctity of state sovereignty generally has coincided with erosion of the taboo of examining the merits of Sudanese secession on a point-by-point basis. Soon after the schism in the SPLA appeared in 1991 over secession, regional actors sympathetic to southern grievances, or at least antagonistic to the Bashir regime, appeared more conflicted over the principle of a united Sudan at any cost. In the negotiations between the SPLM/A and the Bashir regime in Abuja during the early 1990s, the Nigerian mediators ruled out self-determination as an option if it meant secession, anathema to Nigerians who had faced their own secessionist civil war in the 1960s. In addition, the only potential compromise the government might have been willing to make – allowing the SPLM/A some regional control until a satisfactory solution for national unity could be arranged – was unacceptable to the movement.[244]

By 1994, however, IGAD's East African mediators would emphasize in their Declaration of Principles that unity was conditional on the ability of the government to uphold the rights of all its citizens.[245] An early round of negotiations had fallen through due to an impasse over southern self-determination.[246] A second set of talks was more successful, since by then the IGAD mediators had drafted the Declaration of Principles as a framework for negotiation.[247] For southerners, the principle of self-determination put moral responsibility for southern secession solely on Khartoum. The SPLM/A had already acknowledged the new relevance of self-determination as policy with its August 1992 manifesto 'Legal Framework for the Peaceful Resolution of the Civil War in Sudan (Interim Arrangements)', in which it proposed a north-

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[243] Bøas and Dunn, "African Guerrilla Politics: Raging Against the Machine?" 11.

[244] Maundi, Zartman, Khadiagala and Nuamah, *Getting In: Mediators' Entry into the Settlement of African Conflicts*, 139. Kok, *Governance and Conflict in the Sudan 1985-1995*, 190. The Nigerians at Abuja 2 had attempted to create a hybrid between the SPLA's preference for a loose confederation and Khartoum's proposed weak model of federalism, creating a three-tiered division of powers, complete with a bill of rights and an independent judiciary. This was to be the arrangement for the duration of an interim period. Kok, *Governance and Conflict in the Sudan 1985-1995*, 184, 193. Khartoum had initially agreed on a referendum over the status of the south after a trial period at the first Abuja conference in the early 1990s, proposing a ten-year interim, while a temporarily reunited SPLA delegation instead pushed for a two-year period.

[245] Lesch, *The Sudan: Contested National Identities*, 182.

[246] "The Sudan-IGAD Peace Process: Signposts for the Way Forward," 4.

[247] John Prendergast and David Mozersky. "Love Thy Neighbor: Regional Intervention in Sudan's Civil War" *Harvard International Review*. 26:1 (April 2004). 71. De Waal, *Islam and Its Enemies in the Horn of Africa*, 204.

south confederation for two years, and then a referendum in the south on confederation versus independence.[248]

During the June 1995 Asmara talks, other elements of the NDA conceded that the south should be allowed to separate if it chose to do so in a referendum after two to four years. In the interim, the region should be allowed to retain its own separate, standing army.[249] The Ngok Dinka of Abyei were to have a referendum on whether to join the south or stay in Kordofan, and the Nuba would also have a right to determine their future.[250] This new arrangement was the ultimate indicator that the formerly nationalist forces which were included in that exile group – the Democratic Unionist Party and the Umma party in particular – had accepted that a united Sudan was no longer a stated fundamental objective of any major northern political force.

THE CODIFICATION OF IDENTITY FACILITATED BY THE CPA

The SPLM/A's signing of an agreement that represents at some level an antithesis of what it initially stood for highlights the disjointed nature of the SPLM/A's basic policy: its message of unity was born out of the era of peace following the AAA, but the codification of identities during war made the insurgency's goal more difficult: northerners viewed the SPLM/A as a southern movement and southerners were unhappy with northern representation in the movement, either because of anti-northerner prejudice or simply because they resented the complications it created for the secession option. By compromising its ideals, the nationalist SPLM/A was forced to accept an agreement in 2002 which the southern nationalist SSLM would have been envious to conclude in 1972.[251]

The SPLM/A had attempted to overcome tribal divisions by forming nationwide alliances between dissidents and advocating common principles and ideals over

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[248] Francis Mading Deng and Mohammed Khalil. *Sudan's Civil War The Peace Process Before and Since Machakos.* Pretoria: African Institute of South Africa, 2005, 6.
[249] Madut-Arop, *Sudan's Painful Road to Peace,* 388-389.
[250] Madut-Arop, *Sudan's Painful Road to Peace,* 389.
[251] Lobban, interview. 'The irony is that the first southern insurgency wanted secession and got regional autonomy, and in the second, the SPLA wanted unity with a secular democratic model and they may in the wake of the CPA end up with separation.'

ethnic or religious distinctiveness – in the manner of the more successful African liberation movements of decades earlier.[252] Their efforts had mixed results, however, and the SPLM/A was forced to accommodate southern tribalism and factionalism, particularly after the 1991 split of the movement.[253] The split was ostensibly about strategic differences, secession versus national revolution. Yet the clear ethnic element to the split indicated early on that it was not entirely ideological in origin and became less so as time went on. There had always been a contingent of the SPLA that saw talk of unity as a propaganda tactic, with separation as the preferred objective.[254] Many southerners thought that the goal of a united, egalitarian Sudan was unrealistic, and were unhappy that the SPLA had begun working with the National Democratic Alliance, the northern anti-government organization which included several parties who had violently opposed southern resistance in the past, such as Umma and the DUP.[255]

The allowance for self-determination after a six-year interim period became the touchstone of the entire CPA from which several other complications arose which the AAA had not sought to address. A primary distinction between the AAA and the CPA is the degree to which the latter seeks to quantify elements of Sudanese society. The integrative goal of the AAA – giving southerners some regional autonomy and access to the state but little else – was a nationalist response to the lack of integration during the colonial period 30 years later. Specifically, the end of the nationalist project in Khartoum made it easier for the SPLM/A to seek many more regional concessions than the AAA had provided, and not simply for the south but for

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[252] Johnson, *The Root Causes of Sudan's Civil Wars*, 76. Michael E. Brown. "Ethnic and Internal Conflicts: Causes and Implications." *Turbulent Peace: The Challenges of Managing International Conflict.* Eds. Crocker, Chester A., Fen Osler Hampson and Pamela Aall. Washington DC: United States Institute of Peace Press, 2003, 216. Many African states and ethnically diverse states such as Indonesia have attempted to move towards a 'civic nationalism' of this kind, since it is generally seen as reducing the potential for violence found in ethnic nationalism.

[253] Alfred Sebit Lokuji. *Hazards in the Power Sharing Aspects of the Comprehensive Peace Agreement during the Interim Period in the Sudan.* Waterloo, Onario, Canada: Project Ploughshares, 2006, 14-15. Al-Shahi, interview. Yongo-Bure, interview. In return, by the mid-1990s the SPLA began to receive more grassroots support from communities within the southern areas it controlled. This was in part because of the new tribal dimension of the war and in part because the setbacks the SPLA was dealt by the government and its allied militias galvanized southerners generally to save and support the only significant southern insurgency. Clapham, "Introduction: Analysing African Insurgencies," 10. Clapham makes the distinction between movements which break apart over personal, ideological, or ethnic differences. The 1991 split in the SPLA seemed to involve all three motives at different levels.

[254] Johnson, *The Root Causes of Sudan's Civil Wars*, 64.

[255] Suliman, "Civil War in Sudan: The Impact of Ecological Degradation," 24. Kelleher, "A Small State's Multiple-level Approach to Peace-making," 300.

disputed regions on the north-south fault line as well. Concessions for power-sharing were also sought at a national level in which the two parties were meant to stand in for northerners and southerners generally. CPA stipulations on divisions of power sharing before interim elections and in government ministries demonstrate dramatically how Sudanese identities had sharpened over the course of the conflict. In the years of interim government preceding parliamentary elections, the National Congress Party was to be appointed 52% of the National Assembly seats, the SPLM 28%, other northern political forces 14% and other southern political forces 6%.[256] Similar divisions, albeit with different ratios, favoring the NCP and SPLM in the north and south respectively, were made between the parties in assemblies at lower tiers of government. Even the administration of the national capital was to be divided, with the two parties to be 'adequately represented'.[257]

By the end of the second war, the SPLA had formed ties with insurgent groups in such areas as the Beja east, where the Anya Nya's message of southern separatism had earned it no followers in the first war.[258] However, such ties between the SPLA and northern groups became strained as peace between the south and Khartoum became more likely.[259] When the SPLM/A and Khartoum began their peace process in 2002, anti-government forces in Darfur, the Nuba Mountains, and the Beja regions, feared a deal between the south and north to partition the state, thereby allowing the NIF to declare Sudan an Arab Muslim nation-state into which marginal northern populations and other political groups would be forced to assimilate.[260] Without

[256] *Power Sharing Agreement, 2004,* section 2.2.5.
[257] *Power Sharing Agreement, 2004,* section 2.4.2.
[258] Johnson, *The Root Causes of Sudan's Civil Wars*, 138.
[259] Idris, *Conflict and Politics of Identity in Sudan*, 92.
[260] Ouma, *Federalism as a Peacemaking Device in Sudan's Interim National Constitution*, 35. In early 2005, Beja rebels also demanded to be included in the peace negotiations which had just recently led to the conclusion of the CPA. Leonardi, interview. Leonardi notes that the Nuba are also remote from the heart of the southern separatist movement in Equatoria. Their location on the north-south faultline, as well as the fact that some Nuba have fought on the side of the government in both wars and have an Islamic majority has led some Equatorians to disregard them as being a vital concern in negotiations for self-determination. Committee of the Civil Project 2005, 6. Reasons cited as to why residents of such marginalized areas as the Nuba Mountains and the South Blue Nile might oppose secession are '1. The uncertainty of state formation for these small and isolated entities. 2. The problems of setting and demarcating boundaries. 3. Decisions over the status of minorities living within the marginalized areas. 4. The interconnection between ethnic groups within the territories. For example within South Kordofan there are many groups including Nuba, Baggara Arabs and Nilotic Dinka.'

military pressure from southern insurgents in the SPLA, this would be a much easier policy for Khartoum to implement.[261]

Nowhere were the concessions the SPLM was forced to make more apparent than in its negotiation of the three disputed areas along the north-south fault line in Sudan: Southern Kordofan, the Blue Nile State, and Abyei. The SPLM had been pushing for 50/50 representation in the legislatures of the Southern Kordofan and Blue Nile, split evenly with the governing National Congress Party, but were forced to accept a 55/45 split in favor of the government in order to secure an agreement.[262] Under strong international pressure from the IGAD partners to concede on key points, the SPLM/A were forced to retreat from stances that Blue Nile and South Kordofan be allowed to participate in the referendum for the south in 2011.[263] Should the states wish to secede from Sudan, they would be forced to do so through a vote in the legislature, in which the governing NCP expected to have substantial influence.[264] Significantly, Khartoum also insisted that the new arrangements for these regions could not be included as part of the official CPA, but only as separate, parallel agreement[265] The final agreements on the disputed regions were in keeping with the government's position regarding the nature of the war since coming to power. During the first talks between the NIF-backed regime and the SPLM in Addis Ababa in August 1989, the government delegation made it clear that it proposed to treat the new war as a continuation of the southern problem, disregarding the SPLM/A's nationalist objective or its recruiting of members from outside that region of Sudan.[266] This

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[261] Lesch, *The Sudan: Contested National Identities*, 190.

[262] Hassan Arouni. "A long day in Naivasha." *BBC News*. 27 May 2004. Charles Snyder. "Remarks on the Signing of the Naivasha Protocols." *Acting Assistant Secretary for African Affairs On-the-Record Briefing*. 27 May 2004. *Resolution of the Conflict in Southern Kordofan and Blue Nile States*, 2004, sections 11.1.1 and 11.1.2. The resolution also called for rotational governorship in each state, with the two parties alternating their hold of the office until elections.

[263] Johnson, interview.

[264] Johnson, interview. Johnson notes that this possibility was seen as some consolation to the SPLM/A for these regions. Though Johnson himself is unsure about the constitutionality of such a move, he notes that because Sudan's independence was acquired through such a vote in 1955, there is precedence.

[265] Waithaka Waihenya. *The Mediator: Gen. Lazaro Sumbeiywo and the Southern Sudan Peace Process*. Nairobi: Kenway Publications, 2006, 130.

[266] Kok, *Governance and Conflict in the Sudan 1985-1995*, 172-174. The government delegation was so ill-prepared for the first talks with the SPLA in August 1989, the author and SPLA delegate Mansour Khalid suspect the talks served only to provide the appearance that the new regime was seeking peace with the south. This would have been necessary for the junta to appease Egypt and Ethiopia, which saw a commitment to a resolution of the war in the south as a sign of stability and moderation in the new regime. Kok, *Governance and Conflict in the Sudan 1985-1995*, 172-174. Members from the government delegation taunted northern SPLM/A members to

complete rejection of the SPLM/A's nationalist objectives for Sudan as a whole was a constant policy of the Bashir regime.

At the same time it sought to curb the SPLM/A's nationalist agenda, Khartoum was scaling back the northern nationalist project. The driving force behind the wane of nationalism during the NIF regime was Hassan Al-Turabi, who took a dim view of the process, especially as practiced in Sudan. His distaste for the tendency of secular Sudanese nationalists to lean on Islam as a tool can be traced back to his arrival on the political scene in 1964. At that time, Islamists had become unhappy with the Abboud regime's mining of Islam for rhetoric and culture to legitimize its authoritarian brand of nationalism rather than relying on Islam as an instrument of governance in itself. Turabi's ascent to the Muslim Brothers leadership in 1964 led to that movement joining more leftist parties in the 1964 October Revolution which overthrew Abboud.[267]

Upon his rise to power along with the Bashir regime, Turabi showed further indicators that he rejected the conventional practices of the nation-state. His ultimate goal was not a united Sudanese state, but an Islamist revival whose energy would sweep aside artificial constructions such as national borders. To this effect, he began the Popular Arab and Islamic Congress in 1991. Sudan declared that visitors to the Khartoum airport from Arab states would no longer require visas.[268] However, the purpose of this exercise was revealed throughout the mid-1990s not to be a revitalization of the Arab nationalism of previous eras, but the fostering of a revolutionary Islamist state which both hosted Islamist terrorist networks and fostered hostile relations with its neighbors, Arab and non-Arab alike.

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begin a war in their own regions of the state if they wished to negotiate a peace, and not to presume to speak for southerners.

[267] Al-Shahi, interview. Woodward, *US Foreign Policy and the Horn of Africa*, 33. El-Affendi, "Discovering the South: Sudanese Dilemmas for Islam in Africa," 372, 373-374. El-Affendi cites the opposition of Islamists to the Abboud regime, despite its aggressive Islamization policy in the south, as evidence that the Islamist/nationalist schism remained regardless of the liberal or conservative nature of various nationalist regimes.

[268] J. Millard Burr and Robert O. Collins. *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000.* Leiden; Boston: Brill, 2003, 57. Woodward, *US Foreign Policy and the Horn of Africa*, 46-47. Lobban, interview. Khalid Al-Mubarak. *Turabi's "Islamist" Venture: Failure and Implications.* Cairo: El Dar El Thaqafia, 2001, 100. Under the Nationality and Passports Law of 1994, the president was permitted to grant Sudanese citizenship to any foreigner, regardless of other outstanding conditions. It was used to facilitate the harboring of Islamist figures not welcome in other areas of the world, such as Tunisia's Rashid Al-Ghannoushi, in addition to terrorists such as Sheikh Omar Adur Rahman and Osama Bin Laden.

The post-nationalist nature of the NIF regime did not preclude it attempting to retain the south, especially to access the natural resources in the region. At each conflict resolution forum it attended with the SPLM/A throughout the 1990s and 2000s, Khartoum began 'forum-shopping' as soon as the details of a self-determination agreement were to be negotiated.[269] However, Garang offered a consistent, stark choice throughout the decade, a secular Sudan or two Sudans. The government could not achieve both objectives.[270] Ultimately, the regime chose to compromise the decades-old objective of a nationalist Sudan in favor of an Islamic state, thereby converting Islam from a nation-building tool into an end in itself. Consequently, Islamic law took on an even more significant role than it had during the debate over an Islamic constitution in the late 1960s. The need to retain *Sharia* throughout the north became self-reinforcing: the government argued that because Islamic law was the primary basis for its rule, to remove *Sharia* from the constitution would lead to its removal from power by either a military *coup* or a popular uprising.[271] By the early 1990s, there were still some NIF members who were receptive to the possibility of southern secession if it would help facilitate the implementation of *Sharia* elsewhere in the state.[272] Both sides eventually agreed on Khartoum as the capital city, with *Sharia* to be the law and non-Muslims exempt.[273] Allowing *Sharia* in the national capital was a major concession made by the SPLM/A, but it fits well with the concession made by the government to allow the south to secede. By further codifying the Arab/non-Arab, Muslim/non-Muslim dichotomy, the parties are facilitating a divided state, whether willingly or unwillingly.

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[269] Johnson, interview. Johnson notes, for example, that the regime turned to South African president Nelson Mandela to host a new mediation process in South Africa when the self-determination issue arose at the second Abuja round.

[270] Johnson, interview. 'Self determination for the south had risen on the agenda with the intransigence of the NIF government.'

[271] Osman Antwi-Boateng and Geraldine Maria O'Mahony. "A Framework for the Analysis of Peace Agreements and Lessons Learned: The Case of the Sudanese Comprehensive Peace Agreement." *Politics and Policy* 36:1 (2008), 164. In 2001, Vice President Ali Osman Taha, who would negotiate several points of the CPA personally with John Garang, asserted that 'anyone who believes that the government will accept peace that dilutes Islam is deluded.'

[272] Sikainga, "Northern Sudanese political parties and the civil war," 88. Ann Mosely Lesch. "Sudan: The Torn Country," *Current History* 98:628 (May 1999). By the late 1990s, Bashir encouraged the possibility that Khartoum would be willing to allow southern secession, declaring, 'The option of separation with peace is better than that of unity with the continuation of the war'.

[273] Dalal Mohamed Rajab. "Naivasha Peace Agreement: Analysis and Evaluation Part I." *Respect* 2 (March 2006), 19.

ISLAM: FROM NATION-BUILDING TOOL TO INSTRUMENT OF JIHAD

Early post-independence regimes saw Islam, with its unrivalled legitimacy and authenticity among most Sudanese, as a potential cornerstone for the new state. The attractiveness of this concept to northern nationalists was the primary impediment to an earlier peace agreement in the first civil war. The first attempts to spread the religion after independence came in 1957, when Prime Minister Abdullah Khalil authorized more than 170,000 pounds to promote Islam in the southern provinces.[274] The Abboud regime was even more aggressive in this capacity, viewing the southern problem as an artificial one that would be resolved after the state forcefully pushed for a centralized, united Sudan.[275] Islam and Arabic had created a somewhat integrated – if not homogenous – culture out of many ethnic tribes in the north, the junta's notion that this formula could also be applied to the south did not seem outlandish.[276] The spread of Islam and Arab culture throughout the north of Sudan had been steady and unhurried, however, and Arabization too took place gradually over generations. As a result it was not often seen as a threat to local identity or cultural autonomy. By contrast, due to the abrupt nature with which it was re-introduced in the south at independence, locals there feared its influence.[277]

The tendency of the northern nationalist movement to disregard the causes of southern anxiety continued following the October Revolution. After the return to parliamentary democracy in June 1965, northern parties fixated on another issue certain to alienate southerners; the creation of a national Islamic constitution. The prospect of an Islamic constitution had intrigued the Sudanese establishment almost since independence. It was seen as having the potential to encapsulate the legal embodiment of the religion which united Sudanese throughout the north, regardless of Arab or African traditions. The draft constitution submitted during this period had

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[274] Poggo, "General Ibrahim Abboud's Military Administration in the Sudan, 1958-1964," 72-73.
[275] Warburg, *Islam, Nationalism and Communism in a Traditional Society*, 107. Deng, *War of Visions: Conflict of Identities in the Sudan*, 139. Moves taken to Islamicize the south included a February 1960 decision by the Council of Ministers to authorize Friday instead of Sunday as the day of rest, as it was throughout the other provinces in Sudan.
[276] Hamid, "Aspects of Sudanese Foreign Policy," 128.
[277] Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 14.

been a step in that direction, specifying that Sudan was 'a socialist, democratic republic based on the guidance of the official religion, Islam'.[278] Early post-colonial northern Sudanese nationalism required more than simply the 'institution maintenance' of a secular constitution as an expression of national identity.[279] The Islamic element of northern nationalism could not be neglected in such a vital codifying document as the constitution. The war continued through the late 1960s into the early May Regime, but Islam as a nationalist tool had lost its vitality. It was clear to all but the most conservative Sudanese, especially after the Round Table discussions, that the northern imposition of Islam was one of the most galvanizing elements which led to southern hostility.

The National Reconciliation of 1977 was the crucial turning point in the conceptualization of northern identity. The event marked a reaffirmation by the government of the religious character of Sudan, and allowed the Islamists to lay the foundation for their post-nationalist version of the Sudanese state.[280] Islamist Abdelwahab El-Affendi notes that in the 1970s, following the AAA, Islamists debated the merits of letting the south secede, arguing that as long as Islam was coupled with northern nationalism, it would be difficult to ensure the religion's spread in the south. Ultimately it was agreed that Islamists could best solve this dilemma by decoupling the religion from nationalism. This natural process would

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[278] Ismail Bin Matt. "Toward an Islamic Constitional Government in Sudan." *Thirty-Fifth Annual Conference of the Association of Muslim Social Scientists.* Hartford Connecticut. 27-29 October 2006. Accessed 16 October 2007, 8. Fadlalla, "The Search for a Constitution," 44. The document promised to spread religion and fight atheism, references which led some southern politicians to call for a secular constitution. Sikainga, "Northern Sudanese political parties and the civil war," 85. El-Affendi, "Discovering the South: Sudanese Dilemmas for Islam in Africa," 376. In the January 1968 reading of the constitution, 40 Christian MPs boycotted in protest of its Islamic character. The Islamic Charter Front, a forerunner of the NIF which had played a heavy role in the drafting of the constititon, had hoped that the promise of regional autonomy for the south might be an incentive towards its passing. Kok, *Governance and Conflict in the Sudan 1985-1995*, 73. Kok writes that this constitution was nevertheless unacceptable to southerners in comparison to the provision of the AAA because only the latter called for '1) the unity of the South; 2) the manner of appointing the chief executive of the South; 3) the jurisdiction over the police force in the South; 4) the Islamic nature of the Constitution; and 5) the role of the Anya-nya fighters in the political settlement.'

[279] O'Fahey, "Islam and Ethnicity in the Sudan," 263. Abdel Salam Sidahmed and Alsir Sidahmed. *Sudan: The Contemporary Middle East.* London: Routledge, 2005, 47-48. O'Fahey, interview. O'Fahey remarks that the northern elite conducted the debate over an Islamic constitution 'in kind of a vacuum'. They believed Islam was an element which could bind the state together, but had not traveled often to remote places in the countryside, even in the north. The idea was that people from these remote areas would travel to the urban, riverine areas, absorb that particular brand of Arab-Islamic culture, and return, assimilated, to the hinterland, thereby spreading it naturally. While this occurred in some circumstances, in others, Sudanese returned to their homes in the remote regions with a heightened awareness and appreciation of their own culture.

[280] El-Zain, "Articulation of Cultural Discourses and Political Dominance in Sudan," 7.

occur as southerners became more educated.[281] In essence, the conflict between Islam and the south would resolve itself. Islamists therefore recognized the dilemma, but declined to resolve it. With the coming of the National Reconciliation in 1977, Islamists were returned to some level of power and no longer compelled to analyze the situation.

Nimeiri began drifting towards a personal Islamist conversion in the late 1970s, after his reconciliation with the Muslim Brothers and the sectarian parties. Whether his new faith was sincere or not, his experimentation with Islamizing the laws of Sudan in the early 1980s marks the first time in Sudan's post-independence history that Islam would be used not predominantly as a state-building tool, but as a political weapon. Nimeiri's implementation of a crude and brutal version of religious law, introduced in September 1983, both contributed to the renewal of war in the south and made it extremely difficult for later governments to accommodate the grievances of the SPLM/A. The laws were also deeply unpopular among northern Sudan's Sufi majority, who practiced a more flexible and adaptable Islam than Nimeiri's harshly implemented measures would allow for. Only the Muslim Brothers greeted the laws enthusiastically.[282] The introduction of *Sharia* law created its own challenge to the legitimacy of the state, one which had never existed under the nationalist regimes of previous decades. The laws were not implementable in the south, not because Nimeiri had spared that non-Muslim region but because the region's officials simply refused to enforce them.[283] It was 'the first time in the history of Sudan where national laws were defied openly in any region of the country'.[284] Even during the first civil war, it was northern nationalism and a lack of southern representation and autonomy which was the incentive to rebellion, not any specific set of laws. Nimeiri's assault on secular institutions accelerated after the introduction of the

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[281] El-Affendi, "Discovering the South: Sudanese Dilemmas for Islam in Africa," 379, 389. El-Affendi himself surmises that 'a multi-state solution... could be the only substitute to an illusory "united country," like the costly fictions of Lebanon or Cyprus.'

[282] De Waal, *Islam and Its Enemies in the Horn of Africa*, 80. O'Fahey, interview. Sidahmed, *Politics and Islam in Contemporary Sudan*, 215. Even though the laws were drafted in haste by two Sufi lawyers unaffiliated with the Muslim Brothers, Turabi and the Islamists staunchly defended them, considering any advance towards an Islamic state worth salvaging. The Muslim Brothers may have considered Nimeiri's purposes for the Sharia laws to be self-serving, but they pledged support for him regardless, even showing deference to his position and title when he declared himself an Imam.

[283] El-Affendi, "Discovering the South: Sudanese Dilemmas for Islam in Africa," 382. Khalid, *Nimeiri and the Revolution of Dis-may*, 285.

[284] Khalid, *Nimeiri and the Revolution of Dis-may*, 285.

Sharia laws, as his next maneuver was to replace the People's Assembly in Khartoum with a *Majlis Al-Shura*, a body of religious consultation, whose members were to swear an oath of obedience to Nimeiri.[285] When 97 ministers of parliament, all southern, objected to some of the Islamist amendments Nimeiri had designed, he disbanded the body. It remained dissolved until he was toppled in 1985.[286]

The waning of northern nationalism as a governing principle continued in the four-year pause between the Nimeiri and Bashir dictatorships. What distinguished the 1985 revolution most from the 1964 revolution was that leftist nationalism was not at all represented. The trade unions were moderate compared to other elements of the Transitional Military Council, but there was no ideological equivalent to the Communist Party.[287] This new reality decreased the pressure on the conservative generals heading the regime to adhere to the principles of secular nationalism. Although the 1985 uprising was led by guilds such as the Sudanese Lawyers Association which rejected Nimeiri's September Laws and endorsed the non-religious transitional constitution of 1956, General Al-Dhahab of the TMC considered repealing the laws to be 'blasphemous'.[288] Kok alleges that the TMC was under little pressure to cancel the laws from the organization of trade unions it was affiliated with, and surmises this was the greatest testament to the ambivalence of northern society towards secularism as a governing principle.[289]

As explained earlier, implementing Islamic law in Sudan had been seen as the ultimate goal of Sudanese nationalism for many politicians in the north, and even some secular politicians felt obligated to champion the idea. As a result, once *Sharia* laws were decreed, politicians were loath to remove them, regardless of how imperfect they were generally considered to be.[290] Despite superficial commitments

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[285] Sidahmed, *Politics and Islam in Contemporary Sudan*, 137.
[286] Sidahmed, *Politics and Islam in Contemporary Sudan*, 137. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 212.
[287] Sidahmed, *Politics and Islam in Contemporary Sudan*, 185.
[288] Salih, "The Sudan, 1985-9: The Fading Democracy," 63.
[289] Kok, *Governance and Conflict in the Sudan 1985-1995*, 25-26.
[290] Lesch, *The Sudan: Contested National Identities*, 58, 64, 93. Interview by the author with Mohammed Ibrahim, Canberra, 2009. Interview by the author with Kazim Omer, Canberra, 2009. Omer remarks that Al-Mahdi vaciliated throughout most of his premiership in the 1980s on the need to repeal Nimeiri's 'September Laws', issuing vague statements such as 'we are not in a hurry to deal with this issue, but not complacent either'. Sidahmed, *Politics and Islam in Contemporary Sudan*, 176, 178. Bin Matt, "Toward an Islamic Constitional

to the post-colonial parliamentary nationalism, Al-Mahdi's government of the 1980s was unable to reverse the Islamist laws put in place by the opportunistic Nimeiri, revealing the weakness of the northern nationalist project by the 1980s. Islam had been a tool for early nationalists, but had been converted into a political weapon by Nimeiri. This new foundation of Islam could not be revoked, only built upon. In addition, it revived southern anger at the north, and ended what little potential remained for national integration during the uneasy peace which followed the AAA.[291]

Simply put, northern Sudanese elites seemed sufficiently underwhelmed with the post-AAA attempt at creating an inclusive nationalist identity that they were prepared to let it be sacrificed in favor of a northern nationalist objective that had seemed abandoned permanently fifteen years earlier.[292] Sudan's economic woes post-AAA may have been valid reasons for the national government's inability to fund the agreed level of development in the south, but the abolition of the southern region and the passage of Islamic law in the south were against both the letter and spirit of the agreement, and a strong indication that the project to integrate the south into the state had failed. As Lake and Rothchild note, the reintroduction of *Sharia* was to southerners 'a confirmation of their second-class status' in Sudan, confirming the historical suspicion of northerners which had only been temporarily abated by the AAA.[293] Southerners viewed the laws as a gauntlet thrown down by the north to demonstrate their uncompromising vision of Sudanese identity, and this alienated them from the government more than any other single issue in the second war.[294] The inability to resolve the issue at negotiations hindered the parliamentary peace initiatives throughout the 1980s, and helped give credence to the breakaway separatist

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Government in Sudan," 12. The severe *hudud* punishments, including amputation, contradicted the transitional constitution of 1985 and were suspended, but revoking the actual laws was too politically sensitive. Sadiq Al-Mahdi and his Umma party, after campaigning against the September Laws, soon joined the NIF and DUP in arguing that an alternative be implemented before their complete abrogation.

[291] Deng and Khalil, *Sudan's Civil War The Peace Process Before and Since Machakos*, 12.

[292] Wakoson, "The politics of Southern self-government 1972-1983," 38. Wakoson comments on the 'silence maintained by Northern intellectuals, the public at large, the military, political leaders and the radical student movement when Nimayri unilaterally abrogated the Addis Ababa Agreement. This was a strong indication of disinterest in the special circumstances of the south.'

[293] David A. Lake and Donald Rothchild. "Containing Fear: The Origins and Management of Ethnic Conflict." *International Security* 21:2 (1996), 57.

[294] Sidahmed, *Politics and Islam in Contemporary Sudan*, 140. Khalid, *Nimeiri and the Revolution of Dis-may*, 9. Islamists seemed to encourage this alienation by declaring that if the laws made southerners fight for secession again, 'so be it'.

faction in the second war which declared that *Sharia* made a united Sudan all the more impossible.[295]

After their 1989 *coup*, staged in part to prevent the suspension of the September Laws, the National Islamic Front-supported regime began pushing political Islam wholeheartedly.[296] Unlike Sudan's nationalist governments during the first war, the NIF junta was under few illusions that its regime was ultimately inclusive. Its open disdain for traditional Islam in Sudan estranged it from northern factions. Turabi's pan-Islamist agenda was not simply a return to the Islam-influenced nationalism of the 1950s and 1960s. The sectarian parties during that period were not predominantly devoted to Islamist policies. Rather, 'their strength derived from Islamic sentiments of solidarity... used to articulate basically secular nationalist positions'.[297] The new regime, on the other hand advanced a narrow interpretation of Arab-Islamic culture, foreign to Sudan's native Sufi traditions. Khartoum's aggressive new Arab chauvinism alienated non-Arab groups such as the Beja and even the devoutly Muslim Darfuris.[298] The ruling Islamists attempted to delegitimize the sectarian parties, especially the DUP, both because they wanted to weaken rivals and because they disliked the compromises over the status of Islam they felt had been made by these parties in the parliamentary eras.[299]

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[295] David D. Chand. "Promoting Democratic Governance in Sudan." *Sudan at the Crossroads.* The Fletcher School, Tufts University. Medford, Massachusetts, 11-12 March 2004.

[296] Johnson, interview. Omer, interview. Madut-Arop, *Sudan's Painful Road to Peace,* 235. Madut-Arop describes how the Islamization program which came into being in Sudan in the early 1990s was thorough, and had no parallel in the previous regimes of independent Sudan, even the slapdash Islamization under Nimeiri in the 1980s. The government took control of media such as newspapers. Television and the radio served as instruments of Muslim piety, broadcasting the call to prayer five times each day. Morality police patrolled the streets looking for indecently dressed women. The teaching of arts and music was banned, as was the mingling of the sexes in social gatherings and the drinking of alcohol.

[297] O'Fahey, "Islam and Ethnicity in the Sudan," 261-262. O'Fahey cites Islamist Abdelwahab A.M. Osman's criticism of both Sufi sectarianism and the Western-oriented secularism espoused by intellectuals, dismissing them both as alien colonial creations'. Telephone interview by the author with Baqie Muhammed, Bloomington, 2009. Omer, interview.

[298] Al-Shahi, interview. El-Zain, "Articulation of Cultural Discourses and Political Dominance in Sudan," 8-9. Johnson, *The Root Causes of Sudan's Civil Wars*, 138. This eventually led to a restored Beja Congress joining the NDA in Asmara. Interview by author with Monawar Sharif, Canberra, 2009. Sharif says in the first war, Arab identity was more important than Islamic identity, especially Arabic language. Southerners migrating to the north were forced to adopt Arabic names to gain access to jobs or university enrollment. Khartoum relied on secular institutions such as the army to draw non-Arab northerners, such as the Darfuris, into the war with the south. Calls for Islamic jihad would only surface in the second war.

[299] El-Zain, "Articulation of Cultural Discourses and Political Dominance in Sudan," 12-13. El-Zain makes a distinction between the political Islam espoused by Turabi and the more traditional elements represented by the sectarian parties. Whereas the former evolved from a small cadre of students and academics in the 1960s, and placed a priority upon keeping its ideological integrity, the latter built its foundation upon the historical allegiances of the largely rural, illiterate peasantry. While these sectarian movements were much larger than the

The tension between Islamism and Arabism in Sudan has been a constant in post-colonial northern Sudan, with the latter including everything from an embrace of Arab Sudanese culture to a desire to join a federation of Arab states. As Aguda wrote in 1973, 'The political aims of the pan-Arabists are fundamentally and diametrically opposed to those of the Islamists, except as regards the wish to subordinate the interests of non-Arabs. Their major goal is to merge Sudan with other Arab states, and it must not be assumed that there is widespread militant support for this. But they are also anxious to break the stranglehold of the religious sects over Sudanese politics, and to make the state play the leading role in all aspects of development.'[300] Even while Islamists such as Hassan Al-Turabi disdained the traditional pairing of Islam and nationalism in Sudan, the NIF-backed regime used the ambiguous relationship between the two to its advantage from the outset. In the early days of his regime, Bashir liked to stress that the new order was 'pan-Arab' in order to help solidify support among the crucial, arabized, riverine center of the country as well as to draw attention away from the Islamist element of the regime.[301] The first policy statement of the Revolutionary Command Council (the junta organization) asserted the revolution was pan-Arabist, though non-partisan, and emphasized strengthening the armed forces and improving international relations.[302] The Bashir regime was able to rely on Sudan's history of takeovers from secular, army officers to mask the Islamist nature of the regime.

Sidahmed argues that after several years in power, 'it could safely be said that nothing uniquely Islamic seemed to have been produced by the Salvation regime. After a 'period of trial and error it established a system that did not differ from other authoritarian regimes in the Middle East and Africa except in its ideological cover.'[303] While this analysis eventually proved to be accurate, it gives too little credit to the regime's early radical phase and its lasting impact on the regime, even as it became

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modern Islamist movement, allegiances were foremost spiritual, not political. Their family-oriented leadership left them open to ideological and personal divisions which the more disciplined Islamist movement was able to avoid.

[300] Aguda, "Arabism and Pan-Arabism in Sudanese Politics," 191.

[301] Kok, *Governance and Conflict in the Sudan 1985-1995*, 97.

[302] Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 30. Madut-Arop, *Sudan's Painful Road to Peace,* 231-232. Kok, *Governance and Conflict in the Sudan 1985-1995*, 97.

[303] Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 149.

more conventionally authoritarian. The precedents set during that 'early period of trial and error' allowed the Islamist element of the regime, while not powerful enough to realistically implement a complete Islamist revolution, to pose a significant enough challenge to Sudanese nationalism as to permit the government to accept in principle the division of the Sudanese state in the CPA.

The refashioning of the southern war into a formal jihad in 1992 by the NIF regime was an inevitable move.[304] As the most militant of Islamists and Arabists, the junta leadership would have squandered its credibility as a legitimate government had it not taken the most ardent line a pious Islamic regime could take. The SPLM/A's advocacy of a national identity 'renaissance' was a threat to Arab-Islamic supremacy and helped radicalize the NIF regime. 'Islam, rather than Arab race or culture, was their only weapon for mobilizing the Northern majority'.[305] With the abrogation of the AAA, non-Muslims no longer had a state-guaranteed right to defend their own identity or develop their culture. They were to either assimilate culturally or sequester themselves in small territories in which they could claim exemption from religious laws and language requirements.[306] Hassan Al-Turabi had for years viewed it as a religious obligation of Sudanese Muslims to convert the south, which he argued had no real culture of its own.[307] The Sudanese campaign in the 1990s became the first jihad initiated by a modern Muslim state in post-colonial Africa to Islamize its minority peoples.[308] To curb the SPLA's influence, Khartoum attempted to implement a *cordon sanitaire* around the south by relocating non-Arab villages just north of the three southern provinces, the most aggressive attempt to isolate the region since the colonial Southern Policy.[309] While the Islamist attack on southern cultural identities may not have had the backing of most northern civilians, who had

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[304] Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 53.
[305] Luka Biong Deng. "The Sudan Comprehensive Peace Agreement: Will It Be Sustained?" *Civil Wars* 7:3 (2005), 7. Sharif, interview.
[306] Lesch, *The Sudan: Contested National Identities*, 21. Sikainga, "Northern Sudanese political parties and the civil war," 88. Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 301-302, 309. Before their coup, the NIF had first put forth this very limited notion of minority protection in 1987 as the Sudan Charter, the party's response to Umma's 1986 Koka Dam Declaration concerning a peaceful resolution of the war.
[307] Alier, "The Southern Sudan Question," 24.
[308] De Waal, *Islam and Its Enemies in the Horn of Africa*, 65. Ronen, "Ethiopia's Involvement in the Sudanese Civil War," 118. Jihad was specifically announced as the motivation for the January 1996, mass mobilization against forces supported by Ethiopia in Eastern Sudan.
[309] Lesch, *The Sudan: Contested National Identities*, 161.

grown tired of war, it could not have helped but foster more southern animosity towards the north generally.[310]

The Islamist regime's goal to unify Sudan with a narrow Arab-Islamic identity might have had some success in the north, but it could not be realized during the war due to the regime's reliance on coercion, a difficult method for state-building in a vast territory over which the state has so little control. This strategy may work better post-war; now that the regime has enough revenue to support it from oil wealth, Khartoum can extend its patronage network across north Sudan. The policy would be nearly impossible to implement in the south, however, where differences are too exaggerated. 'The Arab Islamic aspect of Sudan's national identity is part of the NCP configurations, but its not shared, either part by the south. So the more you unify the north on that basis, which they haven't really with the Nuba and Darfur and the east... the more they alienate the south. This model of national Islamic Arab unity is not functioning.'[311]

SELF-GOVERNANCE FOR SOUTHERN SUDAN

A fundamental question which both peace treaties attempted to address to some degree was the role of democracy in keeping peace. Democracy – or at least a democratic form of self-governance – is an obvious way groups can defend cultural integrity, but the experience of the AAA has shown that it is not always the most sought after institution for insurgents seeking to protect their culture from national intrusion.

The lesson to draw from these arrangements is that protecting the fragile democratic institutions of the south created in the AAA was not a high-ranking objective for the southerners who negotiated that treaty. Although it allowed an unprecedented amount of self-governance, including a regional executive and legislature, the heavy influence of the national president pervaded these democratic institutions. In the

[310] "The Sudan-IGAD Peace Process: Signposts for the Way Forward," 15. Muhammed, interview. Yongo-Bure, interview.
[311] Lobban, interview.

legislature, President Nimeiri was permitted by the AAA to appoint up to one fourth of the People's Regional Assembly delegates.[312] The People's Regional Assembly could ask the national president to 'postpone' a national law coming into effect in the south, but he was not obligated to comply.[313] The national president could appoint and remove members of the Southern Region's High Executive Council, on recommendation from the council's president.[314] The national president also appointed the High Executive Council president and members for the eighteen-month interim period between the March 1972 ratification of the AAA and the 1973 elections.[315]

In addition, the democratic nature of the Southern Region suffered due to the formation of informal factions instead of formal political parties. Sudan remained a one-party state, with all political business conducted within the Sudan Socialist Union. Officially, there were no parties in the south, in keeping with the continuing neo-patrimonial nature of the regime, by which rulers were happy to introduce competitive elections, but only within the context of a single party and primarily to weaken the political class.[316] This situation led to a lack of direction on the part of the opposition which was 'simply a group of members that were opposed to the then leadership of the regional government', and no doubt made the body less vigorous than it could have been.[317] This disregard for the principles of multi-party democracy was not relegated to the south alone. Kok observes that for most of the 1970s, a return to multi-party democracy was not a key demand in the reconciliation of the SSLM, the Islamists or the Umma Party, the three most powerful forces to oppose the regime.[318]

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[312] *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of Sudan*, Article 10.
[313] *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of Sudan*, Article 14.
[314] *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of Sudan*, Article 20.
[315] *Addis Ababa Agreement: Protocols on Interim Arrangements,* Article 1.
[316] Bratton and van de Walle, *Democratic Experiments in Africa*, 75. The authors speculate that this also accounts for the rapid turnover of personnel in neo-patrimonial regimes
[317] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 324, 398-399. Lagu states that 'there seemed to be two undeclared political parties in the south: one patronized by Abel Alier and the other by me.'
[318] Kok, *Governance and Conflict in the Sudan 1985-1995*, 129.

In hindsight, the democratic principles established for the Southern Region seem almost incidental. Since the insurgents had no shared nationalist identity and no charismatic, regionally popular leader, a weak democratic structure was inevitable. Lagu initially returned to the army, and former Minister for Southern Affairs Abel Alier assumed the executive office in the south. As they were enacted, these ephemeral democratic arrangements revealed that southern democracy appeared to be following in the shallow footsteps of the parliamentary democracy practiced in Khartoum in the 1950s and 1960s, with the rule of law upheld arbitrarily and factional and regional squabbling taking the place of policymaking with the public good in mind.[319]

This conundrum is the ultimate demonstration of the weakness of southern identity by 1972: a vibrant southern nationalist movement with a charismatic authoritarian leader would have preferred a more independent regional executive. Alternatively, a vibrant democratic movement in the south would have preferred a more independent regional assembly. Even if the SSLM delegation was unable to obtain these concessions from the government, a truly democratic-minded southern establishment would have revolted against Nimeiri for his constant intrusions into the political system throughout out the 1970s and 1980s. There was also great southern passivity towards monitoring the actions of regional government during this period, which led to the atrophy of good-government after the AAA.[320] In fact, had the southern movement been a more coherently nationalist force by 1972, it may even have settled for a less democratic structure. There existed a tension between nationalist movements and democratic movements, particularly in areas with no modern democratic traditions: 'the tasks of liberation and democracy are driven by different logics. Liberation is driven by the need to unite, which in much of history is accomplished through strong authoritarian states... Democracy, in contrast, is driven not by the logic of unification, but rather diversity. Democracy creates divisions between groups; it factionalizes, rather than unifies.'[321] While in many states this tension often leads to authoritarianism in the name of the continued cause of nationalism, in southern

[319] Al-Shahi, interview.
[320] Yongo-Bure, interview. 'People, they are naïve, they think leaders will take care of them without pressure, they will not mistreat their southern brothers. But leaders have their own agendas.'
[321] Metelits, "Reformed Rebels? Democratization, Global Norms and the Sudan People's Liberation Army," 77.

Sudan, the nationalist movement was so weak that the politics of the Southern Region veered towards the other extreme. Democratic procedures led to factionalism and provincialism with few uniting southern principles to hold the region together.

It has been observed that simple majoritarian democracy is not often accepted by peoples who see themselves as permanent minorities, whether southerners in Sudan or smaller, non-Dinka tribes in the People's Regional Assembly of the Southern Region. This situation undermines the utility of a conventional parliamentary system of the kind many European colonial powers exported to their colonies.[322] On a national level, reliance on the Westminster parliamentary system in Sudan led to a neglect of the regions and multiple military takeovers. No party ever had enough support to dominate parliament, resulting in political maneuvers such as opportunistic alliances with regional parties.[323] This often led to a public disillusionment with democracy as a formal institution as implemented in Sudan. However, a southern lack of reliance on democratic institutions demonstrates less an anti-democratic inclination among the region's peoples than ambivalence about democratic institutions as introduced from the central government. None of the parliamentary eras in Sudanese history are remembered with fondness in the south. The second parliamentary period of the 1960s would have been fresh in the memory of southerners by the time of the AAA drafting. By 1965 the elites of the two major parties were determined to hold the first elections to follow the Abboud dictatorship. When the war raging in the south precluded a security situation in which elections could be held in the region, northern parties simply petitioned to cancel them there.[324] The decision was made despite the objections of both southern and smaller northern parties that it would simply foment separatism.[325]

Indeed, the 1965 elections confirmed to many southerners the hypocrisy of the north, which they saw as demanding democracy for every region except the most

[322] Roy Licklider. "Obstacles to Peace Settlements." *Turbulent Peace: The Challenges of Managing International Conflict.* Eds. Crocker, Chester A., Fen Osler Hampson and Pamela Aall. Washington DC: United States Institute of Peace Press, 2003, 707.
[323] Woodward, *Sudan, 1898-1989: the Unstable State*, 114.
[324] Sidahmed, *Politics and Islam in Contemporary Sudan*, 85.
[325] Beshir, *The Southern Sudan: From Conflict to Peace*, 25. SANU, the Southern Front, the Sudanese Communist Party and the People's Democratic Party all argued against the principle of holding elections in all sections of Sudan but one, arguing that it would vindicate separatist charges.

disenfranchised and alienated. This perception was a severe blow to southern faith in a democratic political process within Sudan, and by the time of the 1967 elections, many southerners were openly supporting secession.[326] The damage to southern faith in parliamentary democracy was two-fold, as the Southern Front had signed on to the plan to not hold the 1965 elections in southern districts. The Maghoub government showed its disdain for southern parties by appointing northern traders who resided in the south to those assembly seats, even though the High Court had ruled against this policy.[327] As a result of behavior such as this, many southerners held neither the democratic process nor democratic political parties in high regard when it came to defending their security.

Another challenge to the integrity of democratic politics in the Southern Region was the accommodation of resurgent tribalism.[328] The need to manage such sensitive divisions as tribal politics made authorities fearful of relying purely on democratic institutions. The practice of one candidate voluntarily stepping down in favor of another one seemed as acceptable as a contested election, as demonstrated by the 1978 contest between Clement Mboro and Samuel Aru Bol, the latter of whom eventually withdrew his claim to the disputed position of speaker of the People's Regional Assembly.[329] This principle was illustrated again that year when the president of the High Executive Council, Abel Alier, agreed to stand down so that the more popular Joseph Lagu could serve in the office without having to defeat Alier in a general election.[330] Such a defeat might have provoked tribalist tension once again, this time between Dinka supporters of Alier and Equatorian supporters of Lagu.

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[326] Russell and McCall. "Can Secession Be Justified? The Case of Southern Sudan," 100. Lesch, *The Sudan: Contested National Identities*, 41. Ayoob, "State Making, State Breaking, and State Failure," 139. The cancellation of elections in the south is in accord with Ayoob's assertion that 'elites of the state will usually opt for territorial integrity over democratisation.'

[327] Gurdon, *Sudan at the Crossroads*, 17. Albino, *The Sudan: A Southern Viewpoint*, 58. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 76. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 40. Sidahmed, *Politics and Islam in Contemporary Sudan*, 85. 'The decision to hold partial elections in the (region), and the decision of northern merchants to represent the south, must have convinced many, especially educated southerners, that force was the best option in dealing with the north.'

[328] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 400-401. During the 1982 regional elections in the south, Lagu describes one instance in his home district, shared by the Acholi tribe and his own Madi, in which he asked the Madi not to put forward a candidate because a member from that tribe had won the past three elections.

[329] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 366.

[330] Gurdon, *Sudan at the Crossroads*, 61.

The southern suspicion of parliamentary politics continued into the 1980s, and was remembered so bitterly that John Garang assured his supporters at the signing of the CPA that future democracy would not simply be a return to the parliamentary eras.[331] Instead, the CPA sought to combine an autonomous southern region with a formal, nationwide federal structure. The CPA allowed for a multi-level system of government: national, Southern, state, and local.[332] The Government of Southern Sudan and each of the Sudan's states were also to have their own constitutions, in compliance with the National Interim Constitution.[333] Under the CPA, the right to vote was guaranteed to every citizen, as were general periodic elections.[334] The first elections were to be held at all levels of government before the end of the third year of the interim period which began in mid-2005.[335] In a similar move as that which occurred in elections after the AAA, the CPA excluded from running candidates who did not vow to uphold the agreement.[336]

A commonly noted structural flaw of the CPA was the undemocratic nature of its crafting. The rationing out of representation to the two parties which had concluded the peace agreement – the SPLM and the NCP – had the potential to alienate other southerners and even cause further disillusionment with Sudanese democracy. At the time of the signing of the CPA, John Garang could only promise parties excluded from the agreements that they would not be ignored.[337] However, a complication the CPA faces is that democratic representation in a united Sudan does not appear to be as high an objective for most southerners as self-determination. The eternally thwarted goal of self-determination has only become more popular, as demonstrated by a 2004 African Security Analysis paper which argues that it has become a 'holy grail' for many southerners. In it, the conundrum is noted that many southerners would 'bypass a transition to democracy', especially at the national level, if such a

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[331] John Garang. "Text: Garang's speech at the signing ceremony of S. Sudan peace deal." *Sudan Tribune.* Garang called the parliamentary eras the 'sham procedural democracy of the past ...a camouflage for the perpetuation of vested interest.'
[332] *Power Sharing Agreement, 2004,* section 1.3.
[333] *Power Sharing Agreement, 2004,* sections 2.12.11, 3.2, 4.3.
[334] *Power Sharing Agreement, 2004,* section 1.6.2.11.
[335] *Power Sharing Agreement, 2004,* section 1.8.3.
[336] *Power Sharing Agreement, 2004,* section 1.8.6. In 1972, this provision was not included in the text of the AAA.
[337] Garang, "Text: Garang's speech at the signing ceremony of S. Sudan peace deal."

transition is seen as a threat to southern self-determination.[338] Yet northerners generally stated in the same survey that returning to democracy and ending the war are the most important goals.

Neither agreement cited tribal division in the south in any detail when discussing self-governance. In the first agreement, this omission might have come as a result of the nationalist May Regime seeking not to further categorize Sudanese according to tribes, as the colonial relic of tribal rule, the Native Administration, had only just been abolished by 1971. In the second war, the nationalist SPLM/A might have simply assumed that the multi-tier federal system to be implemented would allow the states to protect their own cultures. Self-governing aspects of the CPA seemed vindicated when a study completed in June 2005 revealed that the most popular model of government through Sudan remained a decentralized federal system.[339]

Antwi-Boateng and O'Mahoney are correct in their assessment that the CPA is heavily biased towards the NCP and SPLM at the exclusion of other parties. They are also correct in noting that neither of these parties 'have a record of internal democracy that promotes democratic competition to elect its leaders'.[340] However, this seems to overestimate the degree to which southerners in particular are relying on democratic institutions to preserve their autonomy. While the SPLM has made efforts towards implementing less exclusive partnerships than are traditionally seen in Sudan, it will not sacrifice southern autonomy for democracy. To some degree, southern wariness over the value of democracy for its own sake is supported by empirical evidence, but not conflict resolution theory. An axiom of conflict resolution has been that power-sharing arrangements without strong democratic underpinnings are more likely to fail as they rely more on the mutual interests of the parties rather than democratic institutions.[341] However, empirical data has shown that democracy in the late twentieth century has not been a primary factor in decreasing

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[338] "The Sudan-IGAD Peace Process: Signposts for the Way Forward," 11.
[339] Lokuji, *Hazards in the Power Sharing Aspects of the Comprehensive Peace Agreement during the Interim Period in the Sudan*, 11.
[340] Antwi-Boateng and O'Mahony, "A Framework for the Analysis of Peace Agreements and Lessons Learned," 143.
[341] Fen Osler Hampson. "Parent, Midwife, or Accidental Executioner? The Role of Third Parties in Ending Violent Conflict." *Turbulent Peace: The Challenges of Managing International Conflict.* Eds. Crocker, Chester A., Fen Osler Hampson and Pamela Aall. Washington DC: United States Institute of Peace Press, 2003, 393.

the chances of renewed civil war.[342] As a result, one of the most obvious instruments by which a people can assert and defend their cultural identity, democratic government, is not in itself enough to prevent war.

Despite its initial weakness with regard to civilian institutions, the SPLM/A had no intention of settling for an apparatus that could be defined, manipulated and controlled by the central government, as happened in the 1970s. As Garang outlined at the CPA ceremony, 'in preparing to implement [the CPA], the SPLM/A had established committees to work out mechanisms for the transformation from organs for guerrilla warfare and armed opposition into organs of good governance.'[343] Instead of focusing on democratic elements such as early elections and the invigoration of political parties, the SPLM instead argued for a defined set of powers to be shared by the government and the former insurgents. At a national level, the power-sharing protocol devised three 'clusters' of ministries: sovereignty, economic sector and services sector.[344]

LANGUAGE IN THE CPA

Rather than the strength of democratic institutions, southerners would rely on three elements to protect their culture during the interim period which followed the CPA: the threat of secession, the southern army's ability to protect its citizens, and the direct codification of culture and rights in the CPA agreements. Discrimination from the national government on the grounds of religion was the most important of the prohibitions in the Machakos Protocol. Khartoum was not to discriminate against anyone on the basis of religion 'or other beliefs'.[345] National legislation which

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[342] Paul Collier. "Economic Causes of Civil Conflict and Their Implications for Policy." *Turbulent Peace: The Challenges of Managing International Conflict.* Eds. Crocker, Chester A., Fen Osler Hampson and Pamela Aall. Washington DC: United States Institute of Peace Press, 2003, 149. Licklider, "Obstacles to Peace Settlements," 707. Licklider bases this off a study of 83 cases from 1945 to 1993. He argues that 'Democracy may be a superior form of government for a variety of reasons, but it is not clear that it prevents renewed civil wars.'

[343] UN Security Council 5120 meeting, press release 2005.

[344] *Power Sharing Agreement,* 2004, Sections 2.5.3 and 2.5.4. Human Rights Watch. "The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan." March 2006, 7. Johnson, *The Root Causes of Sudan's Civil Wars*, 30. The SPLM was to be represented in each cluster to prevent the traditional degradation of southerners to relatively marginal ministries such as Wildlife and Tourism, Animal Resources, or Transportation.

[345] *Machakos Protocol, 2002,* sections 6.5, 6.5.10.

contradicted religious or customary practices of the majority of a state or region could be challenged at a local level or subjected to review at a national level.[346]

The enervation of the northern nationalist movement by 2004, particularly in asserting itself via the spread of the Arabic language, meant that Sudan's regional languages would see even more protections added than under the AAA. More importantly, the self-determination component of the earlier Machakos protocol precluded any outright regulation against use of any language in the power-sharing agreement. English was promoted to equal status as Arabic within the south, as both were to be official working languages and languages of higher education, with discrimination against either forbidden.[347] All indigenous languages were considered national languages, worthy of promotion.[348] Any state or region could adopt additional official languages as they saw fit.[349]

The staggered order of agreements by which the CPA was concluded over three years provides some insight into the significance of issues not as obvious in the rapidly concluded AAA. Following this logic, it appears that by the early 2000s, southerners were more concerned about Khartoum committing to the right of southern self-determination than what had been a vital issue of concern in the AAA: language. While cultural issues of religion, autonomy and self-determination were all mentioned in the 2002 agreement, the specifics of the status of language were not laid out until the 2004 Power Sharing Agreement. The Machakos Protocol simply contained a passing acknowledgement of Sudan's 'linguistic diversity'.[350]

This was very likely a decision influenced by the personal philosophy of John Garang, who had never considered limiting the spread of Arabic as a primary goal. During the 1980s, he had even stated that while he did not speak Arabic fluently, he could accept it as a national language that need not threaten his southern identity, in

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[346] *Machakos Protocol, 2002,* section 3.2.4.
[347] *Power Sharing Agreement, 2004,* sections 2.8.3 and 2.8.5.
[348] *Power Sharing Agreement, 2004,* section 2.8.1.
[349] *Power Sharing Agreement, 2004,* section 2.8.4.
[350] *Machakos Protocol, 2002,* section 1.5.1.

the same way Americans used English and South American peoples spoke Spanish.[351] The diffusion of language as a cultural weapon may be one of the few legacies of integration which survived from the era of the Addis Ababa Agreement. Despite sometimes simplistic propaganda, the early southern nationalist movement was able to distinguish between Islam and Arab culture: many southerners involved early in the southern nationalist movement had an Islamic background or were themselves Muslim.[352] The ability of southerners to easily make a distinction between Arab and non-Arab Islam is a testament to Arabic's ability to spread easily throughout Sudan before hostilities began in the 1950s. In northern Sudan, Arab identity – Arab custom and particularly language – generally arrived with each wave of Islam. 'As Islam spread in Sudan, knowledge of Arabic spread, too, both because Muslims sought to study the Arabic Qur'an, and because Arabic offered a welcome "technology of literacy" for recording land deeds, significant events, mercantile and budgetary transactions, and biographical accounts of remarkable figures.'[353] This is a primary reason why regimes such as Abboud's leaned so heavily on Arab-Islamic culture for assimilation of the south.

However, such assimilation efforts were ultimately counterproductive, and would become even more so with the reintroduction of the Islamic project in Sudan with the Islamic laws of 1983. Sharkey quotes the French linguist Catherine Miller, who wrote in 1989 that 'abusive centralization and the non-recognition of ethnic minorities have cancelled out the capacity for potential integration that [the government's policies] of Islamization and Arabization may have held'. Reflecting on Arabic culture in Southern Sudan, the Sudanese linguist Ushari Ahmad Mahmud was equally blunt. 'International and indigenous professionals acting as linguistic specialists will get nowhere,' Mahmud wrote, 'as long as they continue to avoid the real issues of political power distribution and social inequalities.'[354] As general

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[351] Garang, *John Garang Speaks.* Ed. Khalid, Mansour. London: Kegan Paul International, 1987, 129. Benedict Anderson. *Imagined Communities: Reflections on the Origin and Spread of Nationalism.* London: Verso, 1983, 122. Anderson explains that in the colonial context, language in itself need not be an emblem of nationalism. 'Nothing suggests that Ghanaian nationalism is any less real than Indonesian simply because its national language is Englsh rather than Ashanti.'

[352] El-Affendi, "Discovering the South: Sudanese Dilemmas for Islam in Africa," 373.

[353] Sharkey, "Arab Identity and Ideology in Sudan: The Politics of Language, Ethnicity, and Race," 22.

[354] Sharkey, "Arab Identity and Ideology in Sudan: The Politics of Language, Ethnicity, and Race," 35-37. Sharkey contends that 'language policy became a mode of resistance'. She quotes linguistic scholar Yusuf Al-

resentment toward the riverine northern Arabs' treatment of other remote areas of Sudan grew, as well as towards that group's near monopolization of resources and political power, by the 1990s, 'the spread of Arabic was not ineluctably leading to the spread of Arab identity'.[355]

The CPA was crafted in order to recognize this impasse. However, it also recognized that any efforts for a Sudanese national identity which can be shared by Sudanese of all religions and cultures would also come to nothing as the Bashir regime was adamant about retaining Islamic elements such as *Sharia* law throughout the north, including in Khartoum. As the Islamist writer Al-Affendi explains, the objective of an Islamic society, governed according to Islamic law, is incompatible with the SPLM/A's secular objective. 'If these positions are maintained, one of these visions has to triumph, and there is no possibility of accommodating the two in one polity. If, as looks increasingly likely, neither could win outright, then either both visions would have to change, or the polity be broken up.'[356] Prospects for a newly conceived, inclusive identity appeared possible following the AAA, but tribalism in the south and regime insecurity and opportunism in the north eventually led to the creation of a new agreement in which codified the differences between north and south instead of attempting to transcend them.

Khalifa, who notes that during the first war, 'Far from the eyes and control of the Government... the Anyanya... were running their schools in the 1960s in the jungles of the South according to the old system (vernaculars as media in classes 1 and 2 with English as a subject in these two years and as a medium of instruction from the third year on).'

[355] Sharkey, "Arab Identity and Ideology in Sudan: The Politics of Language, Ethnicity, and Race," 25.

[356] Abdelwahab El-Affendi. "Discovering the South: Sudanese Dilemmas for Islam in Africa." *African Affairs* 89:356 (July 1990), 69.

CHAPTER THREE: PATRONAGE STATE DYNAMICS AND CONFLICT RESOLUTION

This chapter examines the political dynamics of the state in Sudan, specifically the typically center-periphery patronage system which has been a near constant feature of administration, predating even Anglo-Egyptian rule. The state in Sudan has been too weak to survive purely by relying on coercive methods, and has therefore been forced to rely on selectively chosen patron-client relationships.[1] The term 'patronage' is used to describe the asymmetrical relationship by which one group's political power in Sudan is reliant on the legitimacy or military power it receives from another larger or more established group. These relationships are usually unstable, exclusive coalitions. Neo-patrimonialism is defined as a 'mixed type of rule combining... lack of separation between public and private spheres'.[2] State reliance on patronage networks exists independently of more abstract political concepts such as national identity, though nationalist movements have often been forced to depend on these networks as well. Their persistence has contributed to all of Sudan's dominant peace agreements since independence, as well as the abrogation of the AAA.

The chapter explains why this dynamic has prevented the southern conflict from being resolved during the parliamentary eras. Patronage systems generally rely on exclusive coalitions. The conservative nationalists who inherited many post-colonial sub-Saharan states turned to patronage politics. While many nationalists sought to form inclusive relationships with elites representing various factions of the state, some instead formed narrow political coalitions, which Lindemann labels

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[1] Telephone interview by the author with Peter Woodward, Reading, 2007. Muhammed, interview. As Muhammed describes, Sudanese political society is dominated by individual elites who have formed their own political culture, regardless of which geographic region of the country they represent. It is from within this political culture that both the push for war and the resolution of war derive.

[2] Morten Bøas and Kevin C. Dunn. "African Guerrilla Politics: Raging Against the Machine?" *African Guerrillas: Raging Against the Machine.* Eds. Bøas, Morten and Kevin C. Dunn. Boulder, Colorado: Lynne Rienner, 2007, 22. 'The privatization of the public has three main consequences: 1) Political administrative power, instead of having the impersonal and abstract character of legal-rational domination specific to the bureaucratic state, is transformed to personalized power. 2) Politics becomes a kind of business, because political resources provide access to economic resources and vice versa. 3) Mass politics are structured around virtual client relationships.' Gero Erdmann and Ulf Engel. "Neopatrimonialism Revisited – Beyond a Catch-All Concept." *German Institute of Global and Area Studies.* Working Paper 16, February 2006, 18.

'exclusionary elite bargains'.[3] Sudanese factions typically opt more for the latter, exclusionary model of coalition-building. This practice is common because society's sense of identity has traditionally been so fragmented that democratic coalitions lose political vitality as they become more representative of Sudanese society. The sectarian political parties have only been able to form fragile governing coalitions, constricting their ability to make bolder gestures towards peace or secularism.

The relationship between exclusivist coalitions and the patronage state has been explained with the theory that the large coalitions which typify democratic regimes are dependent on successful policies, while exclusivist coalitions must depend instead on 'their ability to satisfy their core supporters through the distribution of private goods'.[4] The dynamic of an authoritarian state at war is fundamentally different from a democracy: 'authoritarian leaders devote fewer resources to war because the costs of failure are less and because they need those resources to distribute to their key supporters at home'.[5] This theorization appears to have been in the context of inter-state wars. However, the fact that the dynamic fits so well with Sudan's civil wars only emphasizes how unintegrated the state has remained since independence. Authoritarian regimes in Sudan, not reliant on popular support, have also had more freedom to negotiate peace and more incentive. Both wars have ended when an autocratic government in Khartoum with a narrow base of support had recently been forced to quash a coalition partner that had threatened their rule. In both cases, the exiled partner had formed an impediment to conflict resolution in the south. Also in both cases, the north had sought to use the peace agreements as the basis for a new exclusivist coalition with the south.

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[3] Stefan Lindemann. "Do Inclusive Elite Bargains Matter? A Research Framework for Understanding the Causes of Civil War in Sub-Saharan Africa." *Development Studies Institute.* London School of Economics and Political Science. Discussion Paper 15 (February 2008), 19.

[4] Jack S. Levy. "Theories of Interstate and Intrastate War: A Levels-of-Analysis Approach." *Turbulent Peace: The Challenges of Managing International Conflict.* Eds. Crocker, Chester A., Fen Osler Hampson and Pamela Aall. Washington DC: United States Institute of Peace Press, 2003, 360. Interview by the author with Cherry Leonardi, Durham, 2007. Leonardi describes how these exclusive coalitions have become integrated into the Sudanese concept of the state: 'The whole pattern of politics in Sudan has always been about regional competition. Even within the south you see the same things, there's competition between the different regions or ethnic groups. The whole system of government has been set up in that kind of way. It's very hard therefore to unify people unless you can promise them all a slice of the pie and make sure that they get it. Then it tends to fall apart, there's always going to be someone who feels they haven't gotten their fair share.'

[5] Levy, "Theories of Interstate and Intrastate War," 360.

This chapter will focus on the patronage system of the state – as opposed to subnational patronage systems – because it is within the context of state patronage that the agreements were concluded. Once the AAA is viewed as an attempt to induct southern elites into the patronage system, the relative lack of success at integrating the region with the rest of Sudan and the exaggerated internal divisions which appeared in the south before the outbreak of the second war become easier to understand. The coalition finally collapsed in part because of Nimeiri's need to seek a stronger coalition in the north to preserve his rule. This resulted in Nimeiri's withdrawal from the nationalist project and his attempts to access newly discovered southern oil to accommodate his northern coalition partners.

The CPA was a more difficult agreement to conclude between the Bashir regime and the SPLM/A as, for most of the conflict, the two parties had incompatible visions for the future of Sudan. As a result, each party sought to form as many tactical coalitions as possible. This process destroyed the integrity of national institutions, most significantly the army, making its status in a post-war Sudan subject to negotiation for the first time. Consequently, the CPA is unique in that it successfully petitioned the government to authorize the instruments through which the patronage system could be challenged: a separate standing army and the right of secession. Post-independence challenges to the system have been few and have not lasted long, but they have never been as carefully arranged as the 2005 agreement, in which the national government has been pressured into ceding an unprecedented amount of control to the south. Previous challenges had never met such acquiescence from the state. Most of Sudan's peace agreements, including both the 1977 National Reconciliation and the 1997 Khartoum Peace Agreement, have been attempts to draw opponents of the state into an exclusivist, patronage-based coalition. However, the compromises necessary for such exclusivist coalitions, often made between groups with radically different platforms, erode the ideological vitality of the participating parties' agendas. Since these compromises can also erode base support, regimes become increasingly reliant on force to sustain patronage-based partnerships, either co-opting the army or relying on more pliable forces such as militias.

Sudan's system of administration has been described as neo-patrimonial, an advanced form of earlier patrimonial forms of rule. The constant forging of new alliances and the subsequent erosion of institutions has made politics in Sudan heavily reliant on individual personalities. This tendency is also apparent in the crafting and implementation of both agreements, and with respect to both the parties that signed them. It is a result of Sudan's reliance on neo-patrimonial networks, in which the customs and traditions of patrimonial rule – some of which may predate colonial rule – co-exist with rational-legal institutions that were first introduced during the colonial era.[6] Erdmann and Engel describe the typical trajectory of colonial power in Africa which fostered the neo-patrimonial rule that would continue in African states after independence. They note that the colonial state has never been modern, rather a traditional state with features of the pre-colonial era. The legal-rational 'sphere' consisted only of the area surrounding the capital, any European population, and other immigrant groups. Most of the rest of the Sudanese territory was still administered under a patrimonial system which relied on *sheikhs* and elders who served as an intermediate authority. It was only during the decade following World War Two that colonial powers sought to enhance the modern bureaucracy and incorporate native peoples into it.[7]

Lindemann suggests analyzing the inclusiveness of the regimes' coalitions generally. He quotes Clapham, who explained that neo-patrimonialism is 'a form of organization in which relationships of a broadly patrimonial type pervade a political and administrative system which is formally constructed on rational-legal lines. Officials hold positions in bureaucratic organizations with powers which are formally defined, but exercise those powers, so far as they can, as a form not of public service but of private property.'[8] Lindemann rejects neo-patrimonialism as a cause for conflict, noting that, while it might lead to economic mismanagement, it is difficult to see how a concept so pervasive among sub-Saharan states has led to conflict in some,

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[6] Michael Bratton and Nicolas van de Walle. *Democratic Experiments in Africa.* Cambridge: Cambridge University Press, 1997, 62. 'The characteristic feature of neo-patrimonialism is the incorporation of patrimonial logic into bureaucratic institutions.' "Neopatrimonialism Revisited – Beyond a Catch-All Concept." 105.

[7] Erdmann and Engel, "Neopatrimonialism Revisited – Beyond a Catch-All Concept," 106. 'After independence, with the Africanisation of the bureaucracy and the establishment of authoritarian rule, the bureaucracy was extended and at the same time challenged and invaded from above and below by informal relationships. Thus, the state in Africa has always been a hybrid one, a mixture of patrimonial and legal-rational domination.'

[8] Lindemann, "Do Inclusive Elite Bargains Matter?" 14.

but not in others. Rivalry between factions may be fundamental to the composition of such systems, and even encouraged by the state, but rivalry to the point of conflict is far from an inevitability. Instead, Lindemann suggests that what is significant is not the structure of the system of patronage, but who the beneficiaries are.[9] Indeed, in Sudan, both the AAA and the CPA were meant by the state as a form of inclusion of the south into the patronage system, to the detriment of more traditional partners in the north.

THE EVOLUTION OF THE PARLIAMENTARY PATRONAGE SYSTEM

The pervasiveness of neo-patrimonial networks during the parliamentary periods was a severe source of southern disillusionment with democracy as practiced in Sudan, accounting for the light emphasis on democratic institutions in the peace agreements as described in the previous chapter. In fact, governments established by sectarian political parties were actually less flexible at selecting a base of patronage than authoritarian regimes. Their allegiance was foremost to the traditional sectarian factions, well-established sources of patronage in the Sudan. This often prohibited them from any incentive to compromise with the south while in power. To understand the inability of parliamentary regimes to resolve the southern conflict, this dynamic must be examined in detail.

As noted in previous chapters, the patronage system in Sudan had its foundations established before independence. The Condominium, to compensate for its small occupational presence, became a patron to the two largest sectarian factions: the *Khatmiyya* and eventually the neo-Mahdists. In return for their cooperation in stabilizing the regime, the colonial administration encouraged their participation in commerce and agriculture, allowing them to invigorate their own patronage networks throughout the countryside, religious affiliations that would outlast Anglo-Egyptian rule.[10] During World War I, both sectarian leaders proved reliable collaborators.

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[9] Lindemann, "Do Inclusive Elite Bargains Matter?" 15.

[10] Ali Suliman Fadlalla. "The Search for a Constitution." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 46. Martin Daly, "Broken bridge and empty basket: the political and economic background of the Sudanese civil war." *Civil War in The Sudan.* Eds. Daly, M.W. and Ahmad Alawad Sikainga. London: British Academic Press, 1993, 7. Interview by the author with Ahmed Al-Shahi, Oxford, 2007. Ahmed Alawad Sikainga. "Northern Sudanese

Sayyid Ali al-Mirghani, Sayyid Abd Al-Rahman, and other Sudanese notables signed a letter to the Governor General on 23 April 1919, pledging loyalty to King of England and assuring a complete lack of involvement in the nationalist tensions shaking Egypt at that time. While a concern not to upset Egyptian claims to Sudan led the British to initial wariness in allowing the sectarian leaders too much formal power, after 1924, officials in Khartoum would give them freer reign to shape northern Sudanese society in their own image.[11] By 1924, the sectarian leaders were able to put major constraints on the growth of Sudanese secular nationalism. The November 1924 revolt by Sudanese and Egyptian troops did not inspire a mass following in part because it lacked sectarian support. Religious leaders could dissuade their followers or even turn them against the nationalist movement. Without sectarian support, Latif's nationalist White Flag League could barely function outside of larger towns.[12] While colonial authorities might have preferred direct control, sectarian participation allowed them to argue that the educated class spoke for a tiny elite clique while the religious leaders spoke for the majority.[13]

Colonial promotion of the sectarian factions therefore created the dominant political division in northern Sudan, one that would reappear consistently during the state's parliamentary episodes. The parliamentary system as introduced by the

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political parties and the civil war." *Civil War in The Sudan.* Eds. Daly, M.W. and Ahmad Alawad Sikainga. London: British Academic Press, 1993, 79. Robert L. Tignor. "The Sudanese Private Sector: An Historical Overview." *The Journal of Modern African Studies* 25:2 (1987), 185, 198. The early Condominium government, for example, restricted licences to use the irrigation networks surrounding the Nile to only regime supporters.

[11] Muddathir Abd Al-Rahim. *Imperialism and Nationalism in the Sudan.* Oxford, UK: Clarendon Press, 1969, 99-100. The formal partnership of the government and the sectarian leaders particularly benefited Sayyid Abd Al-Rahman of the *Mahdiyya*, and by the mid-1930s he had become the wealthiest man in the Sudan, with enormous religious influence in Darfur and the White Nile region. Gabriel Warburg, *Islam, Nationalism and Communism in a Traditional Society.* London: Frank Cass & Company, 1978, 31-32, 43. Peter Woodward, *Sudan, 1898-1989: the Unstable State*, Boulder, Colorado: L. Rienner Publishers; London: L. Crook Academic Pub, 1990, 50, 69. Sayyid Mirghani was more inclined to refrain from politics than Abd Al-Rahman, but nevertheless viewed his rival's gains with alarm.

[12] Abdel Salam M. Sidahmed. *Politics and Islam in Contemporary Sudan.* New York: St. Martin's Press, 1996, 22. Al-Shahi, interview. Francis Mading Deng, *War of Visions: Conflict of Identities in the Sudan.* Washington, Brookings Institute, 1995, 108-109. The sectarian leaders were also implicated in countering nationalist propaganda with their own. At the time of the 1924 revolt, a widely read article insulting nationalist leader Ali Abd Al-Latif for both his non-Arab and slave origins was printed in a newspaper co-owned by both sectarian leaders. Warburg, *Islam, Nationalism and Communism in a Traditional Society*, 35. Sayyid Abd Al-Rahman in particular was happy to advance the government's concept of Native Administration when he realized that tribal leadership was too weak to threaten his increasingly political ambitions.

[13] John Voll and Sarah Voll, *The Sudan: Unity and Diversity in a Multicultural State.* Boulder, Colorado: Westview Press, 1985, 56. Al-Shahi, interview. Benedict Anderson. *Imagined Communities: Reflections on the Origin and Spread of Nationalism.* London: Verso, 1983, 127. 'The expansion of the colonial state which, so to speak, invited "natives" into schools and offices, and of colonial capitalism which as it were, excluded them from boardrooms, meant that to an unprecedented extent the key early spokesmen for colonial nationalism were lonely, bilingual intelligentsias unattached to sturdy local bourgeoisies.'

Condominium in the 1940s did little to change the basic composition of the sectarian power structure it had previously advocated, as Sudan had little background in such secular institutions.[14] Representative assemblies such as the Advisory Council and Legislative Assembly were established to appease the second wave of Sudanese nationalism in the 1940s and 1950s, more as concessions to the politically active element of northern Sudan than as enduring national institutions. For most of the Condominium period, there were no national institutions whatsoever in the south, either formal or informal, apart from the few colonial administrators.[15]

The British system of administration also ensured the state would remain unintegrated after independence, and reliant on sectarian patronage. For the purposes of the British, Native Administration had one major flaw, borne of one of its strengths. It was entirely local-based, and the leaders it advocated commanded little authority outside their own small areas, much less at a national level. They were no substitute for the more powerful sectarian movements, which easily co-opted it. However, even as the British knew how weak tribal leadership was in the north, they continued to promote it as a viable system of governance. The weakness of tribalism in the north became most obvious with the creation of the Advisory Council in the 1940s, in which tribal leaders who served on the board had few opinions on national issues, generally deferring to the *Mahdiyya*.[16] Tribes simply had lost the power in the north which they still retained in the south, and had been supplanted by sectarian factions. As a result, the north did not have the benefits of a poorly integrated state,

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[14] Al-Shahi, interview. Woodward, interview. Democratic institutions left by the British were relatively new and weak by independence, little more than 'facades on the front of political manoeuvres'. Sidahmed, *Politics and Islam in Contemporary Sudan*, 61. Dunstan M. Wai. *The African-Arab Conflict in the Sudan.* Teaneck, New Jersey: Holmes & Meier Publishers Inc, 1981, 183. Wai notes that the lack of consensual leadership at any stage of Sudan's post-colonial history has led to poorly formed, weak political institutions. 'The absence of an established political order and the perpetual crisis of leadership in the north drove it to excesses in the South.

[15] Sarkesian, "The Southern Sudan: A Reassessment," 5, 8.

[16] Warburg, *Islam, Nationalism and Communism in a Traditional Society*, 63. P.M. Holt. *A Modern History of the Sudan.* London: Weidenfeld & Nicolson, 1961, 134. An oft-cited quote pertaining to the artificialness of Native Administration and its overreliance on tribalism was that of James Currie, a former British educational officer who, upon his return to the Sudan after years in 1932, remarked, 'After the troubles that culminated in Stack's murder, the British local administrators took fright, and in spite of the loyalty of the educated Sudanese to the Government that had given them the opportunity, the spectacle could be beheld of young administrators diligently searching for lost tribes and vanished chiefs and trying to resurrect a social system that had vanished forever.' Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 64. Peter Woodward. "Parties and Parliaments." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 57. Woodward, *Sudan, 1898-1989: the Unstable State*, 85. A tribally based political party which the British had begun championing during this period, the Socialist Republicans, would fail to attract followers despite the best efforts of Condominium authorities.

but all the disadvantages: its various populations could be easily manipulated by broader sectarian movements.

The competition between nationalist and traditional elites which would define post-independence nationalism was also a result of Condominium policy. Governor General Lee Stack's original 1920s plan of 'complementing' tribal chiefs with educated elites did not work out as intended when put into practice. Both groups fell victim to sectarian pressures and quarrels. Tribal chiefs selected for the council were disdained by intellectuals, both those who served on the council and those who boycotted it. Most of these chiefs had little input on matters not directly related to their own local authority and were happy to generally take the positions of Sayyid Abd Al-Rahman, a vigorous supporter of the council. Through his benefaction was formed the Umma party in 1945, the first modern Sudanese political party.[17] *Khatmiyya*-oriented parties were to follow. Since rural Sudanese had little involvement in the nationalist movement, these parties were strongly sectarian, without strong involvement in the political issues which concerned nationalists. Peasants would simply vote for the tribal or religious leaders with whom they were familiar.[18]

The British had initially tried to repress popular Islam in Sudan, but by the 1940s they had accorded the two sectarian leaders a higher position than any other Sudanese. The two luminaries lent their legitimacy to more recent political institutions, as when they would appear at the beginning ceremony of each session of the Advisory Council, withdrawing when debate commenced.[19] Accordingly, the Legislative Assembly was reliant on sectarian benefaction from the outset. As the marginalization of Prime Minister Azhari showed, even the most liberal, secular and modern politicians realized soon after independence that they did not have the ability

[17] Warburg, *Islam, Nationalism and Communism in a Traditional Society*, 61. Sikainga, "Northern Sudanese political parties and the civil war," 80.
[18] Al-Shahi, interview. Sidahmed, *Politics and Islam in Contemporary Sudan*, 67. Woodward, *Sudan, 1898-1989: the Unstable State*, 70. Parties in the mid-1940s were not competing in elections, which were not held until the years before independence. They were merely statements of allegiance.
[19] Woodward, *Sudan, 1898-1989: the Unstable State*, 74.

to directly confront the traditional leaders of these factions.[20] Though the power of both groups was a result of British manipulation during the colonial period, the legitimacy bestowed to both was the result of a foundation that preceded the Condominium, and which modern democratic institutions did not possess. As a result, these politicians quickly began aligning themselves with either the Umma Party or the DUP, a practice which compromised the vitality of the nationalist movement and inhibited the liberal nature of any parliamentary democracy in Sudan. While this did not necessarily facilitate anything resembling religious fanaticism, it ensured that conservative elites could protect their own interests against less established political factions. A prime example came during the parliamentary period of the 1960s with the banning of the communist party, Sudan's preeminent leftist nationalist movement, despite a high court ruling that the action was illegal.[21] This example of the priority of constituencies over legal standards was typical of the parliamentary regimes. The undermining of the judiciary and opposition in civil society, or opposing political parties, are classic aspects of neo-patrimonialism.[22]

The manipulation of the principles of liberal democracy under the parliamentary regimes was constant. Yet ironically, each election during these periods were seen as being as fair – mechanically – as any held by states in the region.[23] However, regional parties which wished to compete in the democratic process, including those from the south such as the Sudan African National Union and the Southern Front, were forced

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[20] Woodward, *Sudan, 1898-1989: the Unstable State*, 98. Abdel Salam Sidahmed and Alsir Sidahmed. *Sudan: The Contemporary Middle East.* London: Routledge, 2005, 30. From early in Sudan's democratic history, gerrymandering in the service of sectarian patronage politics was the norm. In the lead up to the March 1958 elections, to halt the re-emergence of the National Unionist Party, the sectarian parties which formed the ruling coalition at the time changed voting laws and geographic constituencies to increase rural representation: not in a measure to grant remote areas permanent access to the center, but in a temporary bid to halt the NUP. As a result, the coalition gained a disproportionately high amount of seats in the assembly to the NUP in relation to the amount of votes cast.

[21] Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 47. Adam M. Abdelmoula. "An Ideology of Domination and the Domination of an Ideology: Islamism, Politics and the Constitution in the Sudan." *Religion, Nationalism and Peace in Sudan.* US Institute of Peace, Washington DC. 16 September 1997. The Al-Mahdi government's outlawing of the Sudanese Communist Party in 1968, the removal of its ten seated officials in the assembly, and the disregard for the order of the High Court to reinstate the party showed a disregard for institutions and liberal principles. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 47. Sidahmed notes the contempt which parliamentary regimes had for state institutions and liberal principles generally. He cites the constitutional amendment during the 1960s to make former Prime Minister Al-Azhari the permanent president of the Supreme Council with some executive powers, such as heading official delegations abroad – despite the fact that it had been intended as a figurehead position.

[22] Diana Cammack. "The Logic of African Neopatrimonialism: What Role for Donors?" *Development Policy Review* 25:5 (August 2007), 602, 604.

[23] Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 35.

to form tactical alliances with one of the larger sectarian parties.[24] There was little ideologically to unite these coalitions. For example, Sadiq Al-Mahdi relied on the support of SANU for his Umma party to form a government in the 1960s, but voiced little support for the smaller party's championing of southern rights.[25] In cabinet positions, southerners were rarely appointed, and then only to the most marginal positions.[26]

Southerners were ill-equipped to compete in the parliamentary process from the outset, in part because of their exclusion from earlier democratic institutions. Southerners had no representation to voice their interests until 1948, when the region was included in the Legislative Assembly.[27] Finally, in response to southern exclusion from the Sudanization process and approaching independence, southerners formed the Southern Party in 1952, renamed the Liberal Party two years later.[28] A conference of the Liberal Party at Juba in October 1954 passed a resolution demanding federal status with the north. After the conference, the Liberal party declared that all southern MPs regardless of party must form a united Southern Bloc. This motion was supported at a meeting in Juba in June 1955.[29]

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[24] Dunstan M. Wai. "Political Trends in the Sudan and the Future of the South." *The Southern Sudan: The Problem of National Integration.* Ed. Wai, Dunstan M. London: Frank Cass, 1973, 162.

[25] Douglas Johnson, *The Root Causes of Sudan's Civil Wars*, Bloomington: Indiana University Press, 2003, 35. Abel Alier. *The Southern Sudan: Too Many Agreements Dishonoured.* Exeter, Devon, UK: Ithaca Press, 1991, 24. This was also a maneuver used in the early parliamentary periods by southern parties to avoid charges of separatism. Daly, "Broken bridge and empty basket," 5. Deng, *War of Visions: Conflict of Identities in the Sudan*, 11. Kamal Osman Salih. "The Sudan, 1985-9: The Fading Democracy." *Sudan After Nimeiri*, Ed. Woodward, Peter. London: Routledge, 1991, 48. The Southern Party worked with the Democratic Unionist Party (DUP). Johnson, *The Root Causes of Sudan's Civil Wars*, 130. In northern Sudan, the DUP would form alliances with regional interests in the east and the Umma party with those in the west. By the end of the 1960s, this was seen by those marginal areas as an ineffective way to gain access to central power, leading to a resurgence of regional parties. Alex De Waal. *Islam and Its Enemies in the Horn of Africa.* London: Hurst & Company, 2004, 79. The Islamist Charter Front, Turabi's forerunner to the National Islamic Front, had also considered entering into an opposition coalition with Sadiq Al-Mahdi and William Deng's branch of SANU during the Maghoub government, a demonstration of how tactical the Islamist movement had become in the early days of Turabi's stewardship.

[26] Human Rights Watch. "The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan." March 2006, 7. These consisted primarily of the ministries of Wildlife and Tourism, Animal Resources and Transportation.

[27] Sarkesian, "The Southern Sudan: A Reassessment," 5, 8. Al-Rahim, *Imperialism and Nationalism in the Sudan*, 179.

[28] Abel Alier, "The Southern Sudan Question." *The Southern Sudan: The Problem of National Integration.* Ed. Wai, Dunstan M. London: Frank Cass, 1973, 18. Beshir Mohammed Said, *The Sudan: Crossroads of Africa.* London: Bodley Head, 1965, 73. Oliver Albino, *The Sudan: A Southern Viewpoint.* London: Oxford University Press, 1970, 31. In 1953 the British ratified an agreement between northern parties and Egypt about future independence. Southerners had been excluded from negotiations on the grounds that they had no political party, an impetus for the Southern Party's formation.

[29] Cecil Eprile, *War and Peace in the Sudan 1955-1972.* London: David & Charles, 1974, 39. Albino, *The Sudan: A Southern Viewpoint*, 34-35. Said, *The Sudan: Crossroads of Africa*, 75-76.

Southern elites seemed to be trying desperately to make up in political organization what they could not make up in economic development, attempting to slow down the apparently unstoppable drive towards independence. However, southern attempts to participate in the political process independent of northern patronage were undermined by northern parties. The Liberal Party was poorly funded, with few staff or offices and almost no influence outside Khartoum and larger southern towns.[30] This made it susceptible to personal rivalries and northern parties luring its members away for their votes. Southern rivals would run against each other, splitting their vote and allowing more organized northern parties to pick up the seat. This theme continued after the reintroduction of the parliamentary system in 1965. The elections that year were contested by numerous small parties, but the government inevitably regressed into the same coalitions headed by conservative sectarian factions. Especially in the south, the disorganized nature of civic participation in a time of war led to numerous small political parties, some of which seemed to have more support from outside the region than within it.[31] This situation led to suspicions of northern interference in the nascent southern democratic process, and subsequently southern disillusionment with democratic institutions. During the parliamentary eras, southern parties were especially susceptible to division when lured by larger parties with the promise of power or money. This 'factionalism' reached its apex during the parliamentary government of the late 1980s, in which the dominant parties lured candidates from 'peripheral Sudan' to align with them in exchange for employment or other benefits.[32] After southern political groups such as the United Sudan Africa Parties began establishing communications with the SPLM/A in late 1987, Sadiq Al-Mahdi's government began to use patronage and the promise of positions for individuals to break the party's unity. Khartoum feared a united southern political

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[30] Woodward, *Sudan, 1898-1989: the Unstable State*, 101.

[31] Edgar O'Ballance. *Sudan, Civil War and Terrorism, 1956-99.* New York: St Martin's Press, 2000, 31. Of the three southern parties established in 1965, one, the Southern Unity Party, was formed by a former minister in the Abboud junta and another, the Southern Peace Party, was formed to protect the interests of northern merchants in the south. Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 29-30. The election followed a similar tactic employed during the March 1965 Round Table meeting, in which Alier claims the traditional northern parties assembled a group called 'Other Shades of Opinion' to water down the unity of the two wings of SANU further, as well as the Southern Front.

[32] Peter Nyot Kok. *Governance and Conflict in the Sudan 1985-1995: Analysis, Evaluation and Documentation.* Berlin: Deutsches Orient Institut, 1996, 147.

movement with ties to an extremely effective military organization could become a threat.[33]

It is significant that the AAA and CPA were concluded under the only two regimes in Sudanese history which were not heavily reliant on one of the two primary sectarian factions as a base of their power. The sectarianism of northern Sudanese society created difficulties in efforts to make peace during Sudanese parliamentary eras; for example, the weakness of successive nationalist governments, and their subsequent need to appear aggressive, especially towards southern insurgency.[34] In addition, a simple Westminster style government was not sufficient to accommodate the democratic needs of a geographical territory as diverse as Sudan. Simple democratic elections are often not enough of a concession to self-governance for ethnic minorities which fear or distrust the power of the state. Election mechanisms must correspond with other elements of a democratic political society like multi-party coalitions, regional autonomy and the protection of minority rights.[35]

Parliamentary procedures in Sudan did not typically adhere to the above criteria. Khalid provides a detailed description of how leaders such as Sadiq Al-Mahdi made rewarding party members, and especially his family members, a priority over tending to the national interest.[36] Access of state resources can take the form of distribution of commercial rents, distribution of licenses, and distribution of land rights.[37] During

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[33] Kok, *Governance and Conflict in the Sudan 1985-1995*, 63. Arop Madut-Arop. *Sudan's Painful Road to Peace: A Full Story of the Founding and Development of the SPLM/SPLA*. Charleston, South Carolina: Booksurge, 2006, 172.

[34] Daly, "Broken bridge and empty basket," 5. Deng, *War of Visions: Conflict of Identities in the Sudan*, 13. Mansfield and Snyder 2003, 120. Democratizing states are susceptible to war not because war is popular with the mass public, but because 'domestic pressures create incentives for elites to drum up nationalist sentiment.' However, once nationalist feelings are conjured up they become hard to control. Democracy weakens the central government's ability to keep policy consistent. This in itself provides an incentive for many military coups while a state is at war, as the military abhors erratic civilian decision-making.

[35] David A. Lake and Donald Rothchild. "Containing Fear: The Origins and Management of Ethnic Conflict." *International Security* 21:2 (1996), 60.

[36] Mansour Khalid. *The Government They Deserve.* London: Kegan Paul International, 1990, 382. Soon after taking power, Al-Mahdi's government granted his family 35 million pounds, supposedly in compensation for the property confiscated by the Nimeiri regime. In addition, his government would engage in practices such as insisting foreign companies replace their usual representatives in Sudan with members of his family. Khalid, *The Government They Deserve*, 384. In addition, Al-Mahdi's government allowed the importation of 400 cars to be distributed, tax free, to the Members of Parliament. Khalid, *The Government They Deserve*, 386. Khalid describes how a relative of Al-Mahdi's, a Minister of Energy under Nimeiri who was caught up in a scandal involving profiteering off oil imported from Saudi Arabia, was given a stay of prosecution as part of a private deal between the Prime Minister and the Attorney General.

[37] Lindemann, "Do Inclusive Elite Bargains Matter?," 20-21.

parliamentary governments, the distribution of licenses for imports and exports and agriculture was on a partisan basis. In accordance with their preferred areas of economic activity, during coalition governments, Umma/*Mahdiyya* would usually control or influence the ministry of agriculture while the ministry of commerce was under control of NUP/*Khatmiyya* affiliates.[38] Lindemann lists the primary areas where employment has been sought under sub-Saharan African patronage systems as jobs in the government, military, and parastatal organizations.[39] The parliamentary regime of the 1980s spent an enormous amount on military hardware, in addition to doling out lavish benefits, such as private cars exempt from excise duties, to senior military staff.[40] In this way, the military was treated more as a constituency in itself than an instrument of state policy.

As described in Chapter Two, the determination of most parliamentary governments to put down southern insurgency by force, coupled with a wariness to impose too much of a burden for this effort on northern taxpayers and recruits, highlighted the citizen/subject structure of Sudan's patronage system. Parliamentary governments lacked a mandate to impose taxes or conclude a peace with the south, composed as they were of parties that adhered tightly to sectarian factions. They derived their legitimacy from their respective factions alone, and even that authority was not usually granted based on specific policy proposals, but deeper spiritual and political allegiances.[41] The instability of these governments meant they could not match their

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[38] Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 123.
[39] Lindemann, "Do Inclusive Elite Bargains Matter?" 20.
[40] Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 34.
[41] Al-Shahi, interview. Benaiah Yongo-Bure. *The Economic Development of Southern Sudan.* Lanham, Maryland: University Press of America, 2007, 134-135. Sudan relied on import duties for a large bulk of its revenue until oil from the Bentiu oil fields started reaching the market in 1999. Roy Licklider. "Obstacles to Peace Settlements." *Turbulent Peace: The Challenges of Managing International Conflict.* Eds. Crocker, Chester A., Fen Osler Hampson and Pamela Aall. Washington DC: United States Institute of Peace Press, 2003, 710. Yongo-Bure, Licklider and Tilly have noted the difficulty unstable regimes in poor states have in implementing sales and income tax systems nationwide, instead succumbing to the temptation of taxing exports and resources. The latter process is politically easier for governments to establish, but it is less beneficial to economic growth and it allows the state to avoid making difficult compromises with the other productive sectors of society. Jeffrey Herbst. *States and Power in Africa: Comparative Lessons in Authority and Control.* Princeton, New Jersey: Princeton University Press, 2000, 116-117. Herbst also notes that a heavy reliance on taxation of trade has been a constant of administration in pre-colonial, colonial, and post-colonial Africa. Herbst, *States and Power in Africa*, 130-131. African states have not established the *quid pro quo* relationship between taxpayers and regimes, in which the population payed taxes in return for security, a galvanizing factor in the formation of European nationalism. 'It is simply easier for the state to tax international transactions because it is not required to interact with individuals but simply control access points on the borders. Marina Ottaway. "Dysfunctional states, dysfunctional armed movements, and lootable commodities." *Big African States.* Edison,

ambitious national objectives with sound fiscal policy. Sudan's foreign debt doubled between 1964 and 1969, partly because the government relied too much on indirect taxation and not enough on income tax.[42]

The democratic movement in Sudan has never been strong. 'Independent Sudan inherited a civil war and a weak ruling elite composed of an alliance between the traditional leadership who provided the needed grassroots, and intellectuals who supplied leadership for political and executive activity.'[43] The result was coalitions of convenience, not conviction, which are easily toppled by the military. Most notably after the 1958 and 1989 takeovers, the overthrown government was unable or unwilling to rally democratic forces in Sudan to take back power. In addition, all three military regimes saw collaboration at some point with the very democratic forces they had upset.[44]

PEACEMAKING EFFORTS OF THE 1980s

Despite the difficulty parliamentary regimes had in negotiating peace accords with southern insurgents, there was a definite evolution to the peace process following the collapse of the Nimeiri regime, albeit an evolution that was ultimately too tepid and slow to achieve significant results. The evolution did not begin, however, with the Transitional Military Council, the military regime which replaced the May Regime in April 1985. The TMC was effectively a conservative nationalist organization, which did little to assuage the SPLA as to the merits of ceasing hostilities. John Garang was not convinced that TMC leader and Nimeiri's former defense minister, Siwar Al-Dhahab, shared the SPLM/A's priorities of a secular, inclusive state. This suspicion peaked after Al-Dhahab repealed the 1973 constitution, but refused to do the same for Nimeiri's Islamic September Laws (except for the punishments of flogging and

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New Jersey: Transaction Publishing, 2006, 191. 'Domestic revenue is... a state building activity, not only because it provides the resources to finance all its other activities, but also because it builds institutional capacity.'

[42] Fatma Babiker Mahmoud. "Businessmen and Politics." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 14.

[43] Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 36.

[44] The 1958 *coup* was essentially invited by Prime Minister Abdullah Khalil, and the May Regime and Bashir junta would also eventually work with factions of the Umma Party whose governments they had usurped.

amputation).[45] The new Transitional Constitution drawn up by lawyers under the TMC in 1985 actually affirmed the basis for the September Laws in the 1973 constitution, but did not express respect for indigenous, non-scriptural religions as the 1973 constitution had. In addition, this was the first drafting of a constitution in Sudan in which no southerners were consulted.[46]

What the SPLM/A saw as an informal alliance between members of the TMC government and the newly created National Islamic Front (NIF) impeded serious negotiations.[47] The TMC allowed the continued infiltration of the NIF into the military, while cracking down on the influence of other radical ideological movements, such as the Ba'athists.[48] This apparent double standard was yet another indication that the TMC leadership had neither the liberal outlook nor the imagination necessary to reach a compromise with the SPLA. The most the TMC would offer the SPLA was a reinstitution of the AAA, which Garang by that period had declared to be totally discredited.[49]

The Transitional Military Council limited itself to one dominant objective: stabilizing Sudan just enough to hold parliamentary elections within a year. It was, however, unable and unwilling to strengthen democratic institutions. New parties did not have enough time to regroup strongly across the country, giving strength to those conservative parties which had gained an advantage in organizing themselves since the 1977 reconciliation and could simply assemble their religious partisans. The sheer number of new parties, combined with the weak alignment of the *Khatmiyya-*

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[45] Ismail Bin Matt. "Toward an Islamic Constitional Government in Sudan." *Thirty-Fifth Annual Conference of the Association of Muslim Social Scientists.* Hartford Connecticut. 27-29 October 2006. Accessed 16 October 2007, 12. Johnson, *The Root Causes of Sudan's Civil Wars*, 71. Amir Idris, *Sudan's Civil War: Slavery, Race and Formational Identities.* New York: Edwin Mellen Press, 2001, 110.

[46] Kok, *Governance and Conflict in the Sudan 1985-1995*, 27.

[47] Sikainga, "Northern Sudanese political parties and the civil war," 87. Kok, *Governance and Conflict in the Sudan 1985-1995*, 24-25. Madut-Arop, *Sudan's Painful Road to Peace,* 122. Abdelwahab El-Affendi. "Discovering the South: Sudanese Dilemmas for Islam in Africa." *African Affairs* 89:356 (July 1990), 384.

[48] Kok, *Governance and Conflict in the Sudan 1985-1995*, 42-43.

[49] Khalid, *The Government They Deserve*, 271. Khalid notes how accepted the AAA had finally become by this period that the TMC would choose to make this offer, even though the junta had otherwise sought to wipe away every vestige of the Nimeiri regime.

affiliated Democratic Unionist Party (DUP), led to poll results which favored Umma and the National Islamic Front (NIF).[50]

The SPLM/A throughout the late 1980s was wary of government attempts to 'buy off' insurgent leaders, a key flaw which Garang and his lieutenants believed helped destroy the AAA. Garang accused the Transitional Military Council of attempting the same intrigues as former president Nimeiri: luring the insurgency leadership to Khartoum where they would be given government positions and prestige, keeping them cut off from their base in the south, inducting them into a clientalist relationship.[51] This suspicion of exclusive alliances made a peace agreement even more elusive, since the state was slow to break the pattern of making such narrow coalitions even during parliamentary periods.

The parliamentary era of the 1980s started with similar weaknesses as in earlier decades, but the powerful existential threat posed by the SPLA to the patronage system led to a political evolution in the north not seen during the earlier war. While the 1960s parliamentary era began with the first real dialogue between the two parties in Sudan's history, further progress would not be seen under any of the successive elected governments before the 1969 *coup*. In contrast, two decades later the SPLA's power and its desire to overthrow the fragile coalition governments in Khartoum led to a series of peace initiatives proposed by various opposition parties. Though each of these motions was a calculated maneuver within the context of northern party politics, they laid the groundwork for a more inclusive national dialogue. In the 1980s, each of the dominant northern parties in the parliamentary era viewed an agreement with the increasingly powerful SPLA as a platform off which to enhance its own fortunes, not the basis for an inclusive process involving rival parties. This emphasis on parliamentary tactics instead of the formation of a larger strategy to end

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[50] Ann Mosely Lesch. *The Sudan: Contested National Identities.* Bloomington: Indiana University Press, 1998, 70. Khalid Al-Mubarak. *Turabi's "Islamist" Venture: Failure and Implications.* Cairo: El Dar El Thaqafia, 2001, 16.

[51] John Garang. *John Garang Speaks.* Ed. Khalid, Mansour. London: Kegan Paul International, 1987, 67. Lesch, *The Sudan: Contested National Identities*, 96. Woodward, interview. Suliman Baldo. "Could peace unravel?" Sudan: Prospects for Peace. Eds. Marion Couldrey and Tim Morris. *Forced Migration Review* 24 (November 2005), 26. The concept of northern rulers luring southern elites into exclusive patronage systems had a well-established reputation even by the mid-1980s. During the IGAD process, SPLA members joked that they would be drawn into a patron-client relationship by Khartoum as well, as southern politicians were in the 1970s and 1980s.

the war is why each northern faction's attempt to find common ground with the SPLM/A was rejected by other northern factions, despite the potential for a broader reconciliation. In 1986, the Koka Dam Declaration was rejected by the NIF and DUP, the DUP and Umma dismissed the NIF's 1987 Sudan Charter and the Sudan Peace Initiative of 1988 was rejected by the NIF and Umma.[52]

Each of these exercises in reconciliation was limited by the difficulty parties had in expanding bilateral talks into multilateral ones. The parties each sought to use a peace accord to launch an exclusive dialogue with the increasingly powerful SPLA, but were internally too weak to commit fully to it. Al-Mahdi's ability to follow up after Koka Dam was limited by his own reactionary Ansar movement, his DUP coalition partners in government, the hardline NIF opposition, and his preference to keep the dialogue dependent on his own involvement, rather than convert it into a more formal, inclusive process.[53] Consequently, momentum from the talks was lost and the planned constitutional conference to be convened in June 1986 was not held. Instead, Al-Mahdi simply sent an emissary to Addis Ababa to ask the SPLM to join the government and to set up a personal meeting between himself and Garang, which occurred in July 1986.[54] This attempt to establish a personal rapport with the insurgent leader, possibly the basis for an exclusivist coalition, came to nothing. Relations between the new regime and the insurgency collapsed even further when it became apparent that Al-Mahdi would rely heavily on the ministers from the former May Regime, leading the SPLM/A to jeer that the new parliamentary government was simply 'Nimeirism without Nimeiri'.[55]

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[52] Sikainga, "Northern Sudanese political parties and the civil war," 85-86. Madut-Arop, *Sudan's Painful Road to Peace,* 153. Telephone interview by the author with Benaiah Yongo-Bure, Flint, 2009. Yongo-Bure speculates that DUP chair Mirghani anticipated that he could form a coalition with the SPLA, with the insurgent group as a junior partner to his sectarian party. Interview by the author with Mohammed Ibrahim, Canberra, 2009. Ibrahim, a DUP member, believes that the Sudan Peace Initiative was mainly ceremonial, and that Mirghani was seeking primarily to isolate the rival Umma Party. Khalid, *The Government They Deserve*, 398. *Sudan Peace Initiative*, 1988, sections A1, A2 and A3. The Sudan Peace Initiative allowed for a cease fire and the rescinding of the state of emergency present since 1985. It would also suspend the penal code first introduced by Nimeiri in September 1983. In addition, it would halt the introduction of any new religious laws and abrogate treaties with other states, such as Libya, which violated Sudanese sovereignty if they had been.

[53] Lesch, *The Sudan: Contested National Identities*, 100. Khalid, *The Government They Deserve*, 396.

[54] Lesch, *The Sudan: Contested National Identities*, 100. Madut-Arop, *Sudan's Painful Road to Peace,* 147, 153. Yehudit Ronen. "Ethiopia's Involvement in the Sudanese Civil War: Was It As Significant as Khartoum Claimed?" *North African Studies* 9:1 (2002), 110.

[55] Sidahmed, *Politics and Islam in Contemporary Sudan*, 160. Khalid, *The Government They Deserve*, 353. Woodward, *Sudan, 1898-1989: the Unstable State*, 210. Eighteen of the 25 ministers Al-Mahdi named had served as national or regional ministers under Nimeiri.

Al-Mahdi's choice to push vigorously for peace in the 1986 period prior to elections, then to back away quickly from the Koka Dam talks after his ascension to premiership is indicative of not only how poor his ability to form strong coalitions was, but of how much ideological freedom he retained. This apparent contradiction was a result of the neo-patrimonial nature of Sudan's traditional parties. Al-Mahdi's prestige among his followers, particularly the militant Ansar, was a product of his esteemed lineage as a fourth generation descendant of the original Mahdi of the late 1800s. While this devotion to his personal qualities ensured that he always had to remain mindful of the conservative, traditional bent of his constituents, he was not expected to carry out any political agenda that differed radically from the rival *Khatmiyya* leadership in the DUP. This is consistent with the assessment of neo-patrimonial politics in sub-Saharan Africa that 'campaigns and parties are centered on personalities – individuals and their historical connections – rather than on voting records, platforms or principles. In fact, a politician can take a stand at one time which (s)he will diametrically oppose only a few months later.'[56]

It appeared for a short time during the late 1980s that the neo-patrimonial system might not have been able to withstand the combined pressures of the SPLA insurgency and democracy re-establishing itself in Sudan. The DUP's search for new political partners after becoming marginalized in the government coalition may have been the start of a trend towards building broader, more inclusive coalitions in the parliamentary era. The DUP began to mend relations with the southern United Sudan African Parties and with the National Alliance for National Salvation, the urban coalition of trade unions and academics which had established some contact with the SPLM/A. NIF and Umma were both unhappy with these coalition-building attempts on the part of the DUP, and furious with its dispatch of emissaries to Addis Ababa to meet SPLM representatives in late 1988.[57] In fact, Al-Mahdi actually endorsed the terms of the DUP-SPLA agreement, but resented the challenge that initiative posed to his personal authority as Prime Minister.[58] He preferred that parliament grant him

[56] Cammack, "The Logic of African Neopatrimonialism," 602.
[57] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 292. Al-Shahi, interview.
[58] Lesch, *The Sudan: Contested National Identities*, 82.

exclusive authority to deal with the insurgents, in this way undermining serious attempts to break out of the trend towards exclusivist coalitions and continuing Sudan's historical tradition of strong individual personalities and weak political institutions.

By the end of the 1980s, the second war was costing the Sudanese army an average of US$1 million per day, leaving the government unable to pay public servants or reform its budget by cutting expenditures, as the IMF had been insisting Khartoum do since the Nimeiri regime.[59] The broad national support for the 'November Accords' between the SPLM/A and the DUP was an implicit refutation of Al-Mahdi's recalcitrance, but in order to save his premiership from the DUP's momentum, he was forced to organize a new coalition excluding the rival party and relying on the NIF.[60] The peace initiative was broadly supported throughout northern civil society as well, backed by more than 50 organizations in a signed statement, including all political parties in Sudan except the NIF.[61]

Pressure from the army, specifically its February 1989 memo advocating a political solution to the war, began to soften Al-Mahdi's authoritarian tendencies towards negotiations with the SPLM/A. The army at this time remained one of the few institutions with enough power and legitimacy in the north to curb the appetites of national leaders. The NIF, however, remained unpersuaded. As Umma's coalition partner, the Islamists were unwilling to consider the political compromises which would be necessary to negotiate with the SPLM/A, particularly the suspension of Islamic law. The group had political, not merely ideological, reasons for opposing the potential peace settlement the DUP-SPLA initiative foreshadowed in 1988. Were this initiative to pave the way for a real settlement, it might erode the electoral gains

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[59] Sidahmed, *Politics and Islam in Contemporary Sudan*, 162. Salih, "The Sudan, 1985-9: The Fading Democracy," 69. Timothy Niblock. "Numayri's Fall: The Economic Base." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 39. Roger Dean. "Rethinking the civil war in Sudan." *Civil Wars* 3:1 (March 2000), 74. Tignor, "The Sudanese Private Sector," 200. Khalid, *The Government They Deserve*, 383. Catherine Jendia. *The Sudanese Civil Conflict: 1969-1985.* New York: Peter Lang, 152, 165.

[60] Mohammed Suliman. "Civil War in Sudan: The Impact of Ecological Degradation." *Environment and Conflicts Project (ENCOP)* Occasional Paper No. 4. Center for Security Studies and Conflict Research, Swiss Federal Institute of Technology. December, 1992, 12.

[61] Al-Shahi, interview. Interview by the author with Douglas Johnson, Oxford, 16 December 2007. Francis Mading Deng and Mohammed Khalil. *Sudan's Civil War The Peace Process Before and Since Machakos.* Pretoria: African Institute of South Africa, 2005, 3.

the NIF had been making in both the cities and countryside at the expense of the DUP. A peace agreement would enhance the popularity of the DUP in the north, as well as provide it with a powerful southern partner in the SPLA. The result was that while a peace process dominated by one sectarian party might damage the other, the NIF saw its very existence threatened.[62] Turabi's Islamists were now out of the governing coalition: they supported the June 1989 coup, which was launched just as the Prime Minister was preparing to fly to Addis Ababa to meet Garang again.[63]

THE COLLAPSE OF THE MILITARY-COMMUNIST COALITION AND FORMATION OF THE AAA COALITION

While the above history demonstrates how parliamentary regimes in Sudan have typically relied on coalitions that are too unstable to commit to peace agreements, authoritarian governments have also faced challenges in the establishment of governing coalitions. The Nimeiri regime remains the best Sudanese example of exclusivist coalition-building and its corrosive effect on ideological governance, a phenomenon which defined both the eventual crafting of the AAA and its subsequent abrogation. Nimeiri would turn away from the communists after the July 1971 coup attempt against him by communist-affiliated officers. The purging of the far left in mid-1971 opened up a window in which the less ideologically-minded technocrats could appeal to Nimeiri to make peace for both the stability of the region and the regime.[64]

Contrary to its early rhetoric, the May Regime was not radically leftist at heart but was instead composed primarily of 'dissatisfied nationalists with no political

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[62] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 293.

[63] Johnson, interview. Johnson notes that both the sectarian parties still preferred an Islamic framework for the government of Sudan, 'but it was on the table for negotiation. It had been taken off the table by the NIF.' Kok, *Governance and Conflict in the Sudan 1985-1995*, 69. Madut-Arop, *Sudan's Painful Road to Peace,* 185, 215. It is ironic that the SPLM/A's national, rather than separatist, ideology and the government's willingness to finally negotiate on equal terms with the insurgents by 1989 established the environment in which Bashir and his cohorts could stage a coup. The SPLA scored a string of victories in the south in early 1989, taking strategically important towns such as Nasir and Torit. The insurgency probably could have taken the premier southern town of Juba, and therefore the south, if it had kept up the momentum. However, developments such as the February 1989 memo from the military to the government advocating a non-military solution to the conflict led Garang to call for a cease fire in May 1989. Both NIF and SPLA members believe that this one-month reprieve allowed the NIF, then out of government, time to organize the *coup* it would launch in June 1989. A separatist movement such as the Anya Nya would never have allowed such a period of inactivity.

[64] Nelson Kasfir. "Sudan's Addis Ababa Treaty: Intraorganizational Factors in the Politics of Compromise." *Post-Independence Sudan.* Ed. C. Allen. Edinburgh, University of Edinburgh, 1981, 145.

commitment. The military-communist alliance was practical, not ideological.'[65] Nimeiri relied on the small but highly organized Communist Party, banned during the second parliamentary era, to help his junta of Free Officers combat both the reactionary sectarians and the modern Islamists, the earliest enemies of the regime. The nationalization of many banks, businesses and private companies during this early socialist period was the first attempt to reorient the patronage system, as it crippled the sectarian factions which were its traditional beneficiaries.[66] However, early goals of the May Regime such as overhauling local administration and resolving the southern problem were all influenced heavily by the regime's leftists.

Nimeiri's early coalition with communist leaders actually prohibited his stated goal of making peace in the south. The regime's first Minister for Southern Affairs was former Sudan Communist Party member Joseph Garang.[67] Despite his Dinka origins, Garang and other communist leaders had absolutely no base of support in the south.[68] Their hasty efforts to establish a socialist network in a region with little interest in

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[65] Mansour Khalid. *Nimeiri and the Revolution of Dis-may.* London: Kegan Paul International, 1985, 16. Dunstan M. Wai. "Revolution, Rhetoric, and Reality in the Sudan." *The Journal of Modern African Studies* 17:1 (1979), 79. Najmal Abdin. "Administrative Reform, 1956-1981." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 86. Peter Woodward. *US Foreign Policy and the Horn of Africa.* Hampshire, UK: Ashgate Publishing Limited, 2006, 30. Woodward describes the regime as being more in the Nasserist/Baathist mold than truly communist. Wai, *The African-Arab Conflict in the Sudan*, 148. The early ideological bent of the regime had an Arab socialist flavor. After committing to federation with Egypt and Libya, Nimeiri declared in 1970 that the union was 'to defend the Arab civilization, which is being encircled and hampered by imperialism in an attempt to stop its flux into the heart of Africa.' In this statement, Nimeiri also rejected the idea that the south had its own indigenous cultures.

[66] Salih, "The Sudan, 1985-9: The Fading Democracy," 45. Abd Al-Rahim Al-Rayah Mahmoud. "The Machinery of Economic Management." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 102. Wai, "Revolution, Rhetoric, and Reality in the Sudan," 81. Abu Baker El Obeid, *Political Consequences of the Addis Ababa Agreement.* Stockholm: Liber Tryck, 1980, 114. Jendia, *The Sudanese Civil Conflict: 1969-1985*, 143. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 124. Tignor, "The Sudanese Private Sector," 198. The regime's first moves to consolidate power and weaken its enemies were against the families which led the sectarian factions. 'The state took over the Al-Mahdi cotton ginnery and oil mill at Rabak, as well as Al-Mirghani land in Khartoum North, it being claimed that both estates were in arrears on their taxes. The next steps against the Al-Mahdi family included the expropriation of 30,000 *feddans* of cotton on Aba Island, other plantations elsewhere, an estate in Khartoum and a group of trading companies. Subsequently the regime sequestered the property of the late Imam Hadi Al-Mahdi, his nephew Sadiq, his brother Ahmad, and several other prominent members of the Al-Mahdi family.'

[67] Joseph Garang was of no direct relation to fellow Dinka and future SPLM/A leader John Garang.

[68] Telephone interview by the author with Richard Lobban, Providence, 2009. Mohamed Omer Beshir. *The Southern Sudan: From Conflict to Peace.* London: C. Hurst & Company, 1975, 72-74. Eprile, *War and Peace in the Sudan 1955-1972*, 128. Wai, *The African-Arab Conflict in the Sudan*, 146. Warburg, *Islam, Nationalism and Communism in a Traditional Society*, 167. The lack of support in the south for Garang's communist platform was nearly unanimous: he had been defeated so overwhelmingly in three previous elections that he lost his deposit each time.

socialism amounted to an attempt to establish their own patronage system.[69] For Garang and his comrades, socialism was to be a necessary precondition to southern regional autonomy. The communists preferred not to reach any settlement with southern 'bourgeoisie and separatists' who would no doubt seek to take power away from the nascent regional socialist institutions. Garang opted instead to advance socialism in conjunction with any settlement.[70] Southerners rejected these efforts generally, since communism as a formal ideology had no following in the south.[71] By 1971, the war was becoming extremely expensive for the government to conduct.[72] The political impasse between the socialist government negotiators and the Anya Nya was slowly sapping away at the credibility and vitality of a supposedly revolutionary government, as the southern problem had done to the regimes that had come before it.[73]

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[69] El Obeid, *Political Consequences of the Addis Ababa Agreement*, 111. Bona Malwal. *The Sudan: A Second Challenge to Nationhood.* New York: Thorton Books, 1985, 12. Madut-Arop, *Sudan's Painful Road to Peace,* 10. Charles Gurdon. *Sudan at the Crossroads.* Cambridgeshire: Menas Press Ltd, 1984, 25. Garang 'ruled the south like his personal fiefdom, dispensing favours, political power and money to his friends.' Johnson, interview. After the AAA signing, many southerners told Johnson that they believe the reason Nimeiri did not follow up on the June Declaration of 1969 by immediately making peace with the south was because Joseph Garang was attempting to set up a Soviet-style cell system there. He is remembered with widespread bitterness in the region. Alexis Heraclides. "Janus or Sisyphus? The Southern Problem of the Sudan." *Journal of Modern African Studies* 25:2 (1987), 220. Heraclides relays that SSLM representatives overseas were told any meaningful autonomy settlement would be agreed to as early as October 1970, but Garang's insistence on implementing his socialist administrative structure ensured this opportunity was missed. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 220-221. Lagu notes that in 1970, the government, through Sudanese Ambassador to London Abdin Ismail, had made contact with Anya Nya emissary to London Mading de Garang in an attempt to open up a dialogue with the insurgents. Lagu suspects that these talks never transcended their London beginnings because of the intervention of Joseph Garang.

[70] Beshir, *The Southern Sudan: From Conflict to Peace*, 72-74. Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 51. Woodward, *Sudan, 1898-1989: the Unstable State*, 140. Johnson, interview. Wai, *The African-Arab Conflict in the Sudan*, 146. Khalid, *The Government They Deserve*, 268. Hizkias Assefa. *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict.* Boulder, Colorado: Westview Press, 1987, 92, 155, 188. Garang considered the southern elites to be 'international imperialist conspirators'. Sikainga, "Northern Sudanese political parties and the civil war," 90. Garang also blamed the southern problem on northern bourgeoisie; merchants and feudal landlords.

[71] Johnson, interview. Eprile, *War and Peace in the Sudan 1955-1972*, 128. Albino, *The Sudan: A Southern Viewpoint*, 120. Albino states that in the south, as elsewhere in sub-Saharan Africa, 'the term communism has an unpleasant connotation, because it implies not only a system of government but also the regulation of individual conscience and belief, thus making it tantamount to a religion'.

[72] Eprile, *War and Peace in the Sudan 1955-1972*, 32. An estimate put the cost at roughly one million Sudanese pounds a month by 1971 just to keep troops in the south. J. Bowyer Bell. "The Conciliation of Insurgency: The Sudanese Experience." *Military Affairs* 39:3 (October 1975), 111. As some in the north saw it, money the north transferred to the south in a settlement would be of some benefit for development purposes at least, not wasted on military equipment. By 1971, the 'secondary benefits' of peace were seen as more advantageous than continued struggle by both sides.

[73] Gurdon, *Sudan at the Crossroads*, 25. Eprile, *War and Peace in the Sudan 1955-1972*, 51. For its first two years, Nimeiri's regime was regarded by southerners as being as brutal as any that had came before it. Wai, *The African-Arab Conflict in the Sudan*, 148. Wai notes that, despite the June Declaration, government rhetoric and actions between July 1970 and July 1971 led southerners to believe the early consideration of regional autonomy was made out of political expediency.

The fundamental sticking point during the first war was that most leftists in Sudan were not concerned with accommodating the emerging southern nationalism. There was suspicion by leftists of the authenticity of the southern insurgency as being truly popular, demonstrated by communist May Regime member Joseph Garang in his statement that the south had no 'real national identity' upon which rested a legitimate basis for the principle of self-determination.[74] Many moderate leftists such as Mansour Khalid, and even southerners such as Abel Alier, were members of the May Regime. In the second war, these same moderates would place their sympathies with the SPLM/A, itself is a demonstration of how much ground the nationalist movement had lost in the north by the outbreak of the Bor Mutiny in 1983. The majority of its left wing, which had always been small but was highly organized and influential, had either joined the rebels or been eradicated. This bolstered the SPLA legitimacy as a national insurgency and actually gave the south a key role in the Sudanese nationalist movement, no longer simply relegating it to the role of a passive entity to be acted upon, or an incoherent quasi-separatist force. As Lobban states, 'In the first war, Joseph Garang was trying to deliver the government's message to the south, whereas in the second war, John Garang was trying to deliver the south's message to the government.'[75]

The AAA was, in composition and implementation, an exclusivist agreement. Lagu's negotiating team concluded with the Khartoum delegation in early March 1972 the tenets that would become the AAA. In the following weeks however, the SSLM delegation was unable to gain the confidence of their rank-and-file without the insertion of several amendments, including proposals for a separate southern army, the power of the south to make treaties with foreign governments, and other arrangements of loose confederation. When these amendments were seen as too contentious by the Khartoum delegation to be worth considering, Lagu himself made the decision to sweep aside all the suggested amendments to the AAA and ratify it as it had been negotiated the previous month.[76] He returned an entirely new team of

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[74] Abdel-Rahman Abdalla and Robert Fancher. *Sudan: Integration or Disintegration.* Edison, New Jersey: Transaction, 2001, 97.
[75] Lobban, interview.
[76] Eprile, *War and Peace in the Sudan 1955-1972*, 154. Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 118. Christopher R. Mitchell. "Conflict Resolution and Civil War: Reflections on the Sudanese

delegates on 27 March 1972. Though some hardline separatists, such as Joseph Oduho, were included in the new line-up to demonstrate how much support the negotiations had in the south, the reshuffle of delegates underscored that the agreement was primarily between Lagu and the government.[77]

The traditional nationalist forces of the north voiced strong opposition to the AAA upon its conclusion and formed an impressive coalition which stretched across the Sudanese political spectrum. The communist party, once again in exile, declared that the AAA represented a 'drastic crime that endangers the passage of progress and revolution not only in Sudan, north and south, but in all parts of the Nile Valley and in the Arabic area'.[78] The DUP and Umma parties thought the agreement gave too much to the south and would foster separatism. By 1974, a National Front had been formed in exile with leaders of the two sectarian parties, the Muslim Brotherhood, and even a few communists.[79] Islamists particularly remained opposed to Addis Ababa and the 1973 constitution that had included it on principle and practicality.[80] Their opposition was primarily because under the agreement, the Southern Regional Assembly could vote to ask the President to remove bills before the National Assembly that adversely affected the south.[81] As a result, Islamist laws could only be fully implemented after the Southern Region was dismantled.[82]

The AAA was the start of a new phase in southern politics, where the patronage system was extended to the south free of the ideological constraints of nationalism or

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Settlement of 1972." Center for Conflict Analysis and Resolution. George Mason University, Washington DC. August 1989, 8. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 261.

[77] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 118. Ga'le, *Shaping a Free Southern Sudan*, 372. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 258-260. One of Lagu's concerns was that the southern recruits for the army come from the Anya Nya. Lagu also notes that it was popular pressure from southern Sudanese, especially those in Addis Ababa, that led him to ratify the agreement despite some reservations. He was assured by General Al-Baghir of the northern delegation, a former superior whom he trusted, that it was understood that those positions in the new army would go to former Anya Nya as there was barely a body for recruitment in the south which could compete with them.

[78] Warburg, *Islam, Nationalism and Communism in a Traditional Society*, 138.

[79] Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 86. Gurdon, *Sudan at the Crossroads*, 44. The National Front was a force established by al-Mahdi and fellow sectaraian leader Yusuf al-Hindi force supported by Libya, Ethiopia, and the USSR.

[80] Johnson, *The Root Causes of Sudan's Civil Wars*, 55.

[81] *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of the Sudan*, Article 15i.

[82] Johnson, *The Root Causes of Sudan's Civil Wars*, 56.

socialism.[83] Southern elites would be reliant on Nimeiri alone to defend the integrity of the treaty in Khartoum.[84] However, even this was presented as a privilege: the Regional Assembly could stand up to the central government in a way national ones could not, for example by petitioning the president to defer national legislation from coming into effect in the south.[85] Nimeiri had positioned himself to be the guardian of southern autonomy against reactionary northern forces. The AAA set out a framework allowing political negotiations and compromises along the road to its implementation.[86] It was recognized at the time that this structure may have been the only realistic way of reaching an agreement, delaying the most difficult decisions such as the finality of borders and the permanent status of southern troops while allowing the flexibility to resolve them after the signing of the agreement.[87] However, the agreement consequently lacked the rigorous implementation regime which the CPA would later seek to include.

THE PATRONAGE STATE IN THE INTERBELLUM SOUTH

The coalition formed between Nimeiri and southerners under the AAA faced inherent problems for governing state. Remote regions have not traditionally been incorporated into the Sudanese patronage system, as their poverty and distance makes them of limited usefulness to the consolidation of central power. In a vast country with as little infrastructure as Sudan, stable coalitions must have a central base in the riverine region. As a result, Nimeiri would be forced to make another reconciliation in 1977 with northern dissidents, and narrow his coalition with the south to an even smaller field of southern elites who would champion, in the name of employment opportunities, such concepts as redivision of the Southern Region into three provinces.

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[83] John Howell. "Horn of Africa: Lessons from the Sudan Conflict". *International Affairs* 54:3 (1978), 436. Woodward, interview.

[84] Mitchell, "Conflict Resolution and Civil War: Reflections on the Sudanese Settlement of 1972," 13. Johnson, *The Root Causes of Sudan's Civil Wars*, 36. Woodward, interview. Howell, "Horn of Africa," 425. After the AAA, there was an assumption of the 'inevitability of the south's economic dependence on the north and as a consequence of this, the dependence of the southern leadership on the northern patronage.'

[85] Woodward, *Sudan, 1898-1989: the Unstable State*, 107. *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of the Sudan*, Articles 14 and 15.

[86] *Addis Ababa Agreement: Protocols on Interim Arrangements*, Chapter II, Article 1.

[87] Sarkesian, "The Southern Sudan: A Reassessment," 19.

Neo-patrimony networks rely on the benefaction of one sector of society or elites over others, and in post-AAA southern Sudan there were many schisms which such a network could exploit.[88] While tribal and regional divisions in the south were profound, as discussed in the previous chapter, one of the most significant splits between southern elites following the AAA was between those who had remained inside Sudan, sometimes working for the government, and those who had been either in exile or an active part of the insurgency.[89] 'Insiders' included Abel Alier and were generally more moderate and had more education. 'Outsiders', including Joseph Lagu, were less willing to compromise on benefits to be derived from the post-war arrangements. As a group, they had leaned most strongly towards armed resistance and secession during the war. The earliest beneficiaries from the AAA were 'insiders'. This was not simply a matter of favoritism, but of practicality: with the exception of some Anya Nya elites and politicians, 'outsiders' had a more difficult time getting employment after the AAA because they were less educated, in some cases even illiterate.[90] Government employment, especially in the armed forces, was most prized, further advancing the viability of southern inclusion in a patronage network.[91] However, it was barely feasible to employ all Anya Nya, and most of these positions went to better-educated 'insiders'.[92] However, Nimeiri would turn towards the former 'outsiders' to become the beneficiaries of his patronage by the end of the 1970s, inducting them into his own dwindling neo-patrimonial network. He

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[88] Bratton and van de Walle, *Democratic Experiments in Africa*, 86. In neo-patrimony, politicians 'come to be defined according to whether they are insiders or outsiders in relation to the patronage system'.

[89] Nelson Kasfir. "Southern Sudanese Politics Since the Addis Ababa Agreement." *African Affairs* 76 (April 1977), 158. Yongo-Bure, interview. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 270-273. Alier's appointment was more controversial among the former rebels, who considered him too close to the May Regime, and who believed that the position of High Executive Council president should be conferred upon one of them. Nimeiri explained to Lagu that Alier had a better understanding of the political dynamics of the regime, and they instead agreed that Lagu and colleagues he specified would hold positions in the Sudanese Army of the same rank as those which they had held in the insurgency.

[90] Kasfir, "Southern Sudanese Politics Since the Addis Ababa Agreement," 158. Wai, *The African-Arab Conflict in the Sudan*, 163. Wai notes that shortly after the June Declaration of 1969 promising regional autonomy for the south, a group of southern elites formed a group called the 'Association of Southern Intellectuals', and sought to support Abel Alier once he became Minister for Southern Affairs. This organization formed a consistent basis for his support.

[91] Woodward, interview. Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 163. The most viable private sector activity, farming, was not held in high esteem by many former Anya Nya, and even government incentives in this sector had little effect.

[92] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 139. Alier notes high-profile examples of former insurgents who could not find government employment after AAA and therefore returned to fighting. *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of the Sudan*, Article 27.

first promised that more government jobs would be available in the south with the redivision of the Southern Region. In the last years of his regime, he would support disaffected southerners through his patronage for various 'Anya Nya 2' secessionist groups fighting the SPLA.[93] This was an early example of the national government using the patronage system to widen the internal fault lines of the south, a principle tactic of the various regimes during the second war.

Nimeiri also used the tension between the authoritarian national government and the democratic administration of the Southern Region to further extend his patronage power. While the national constitution outlined that Sudan was a one-party state under the Sudan Socialist Union, the regional arrangements made in the AAA noted no corresponding function in the south. The SSU did not significantly intrude on regional government until 1973, when Nimeiri nominated Alier as the official SSU candidate to continue serving as the High Executive Council president, a role he had filled in the interim period following the peace treaty.[94] Nimeiri's rationalization for this nomination was that the HEC president was required to be a member of the SSU, therefore the SSU should nominate him. As head of the SSU, Nimeiri felt that obligation belonged to himself. Nimeiri's intervention was actually unnecessary, as Alier had majority support for his leadership in the Regional Assembly.[95] The incident, however, set a bad precedent for democratic proceedings in the south and made it easier for Alier's detractors to paint him as a northern stooge. Other candidates for the position withdrew after Nimeiri's intervention. Thus the SSU's very presence went against the logic of southern regional autonomy. 'A monolithic organization, nationally directed in its programs and policies, the SSU took no notice of the policies of the south's regional government. Constitutionally, the state was subservient to the SSU. Thus in practical terms, the SSU could directly control the

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[93] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 273. Idris, *Sudan's Civil War*, 125. Maundi, Zartman, Khadiagala and Nuamah, *Getting In: Mediators' Entry into the Settlement of African Conflicts*, 127. The Anya Nya 2 continued fighting the SPLA until 1988, by which point they were either defeated by or consolidated into Garang's stronger movement. Johnson, interview. Johnson notes that Nimeiri's patronage of the Anya Nya 2 resembled an early tactic of his regime in the years prior to the AAA, in which the government sponsored 'national guards' which were actually tribal militias the government, by relying on local hostilities, used to fight the Anya Nya.

[94] El Obeid, *Political Consequences of the Addis Ababa Agreement*, 39-40. Elias Nyamlel Wakoson. "The politics of Southern self-government 1972-1983." *Civil War in The Sudan.* Eds. Daly, M.W. and Ahmad Alawad Sikainga. London: British Academic Press, 1993, 40.

[95] Malwal, *The Sudan: A Second Challenge to Nationhood*, 29. Wakoson, "The politics of Southern self-government 1972-1983," 40. Wai, *The African-Arab Conflict in the Sudan*, 173.

affairs of the Southern region by invoking constitutional powers whenever any conflict arose between the two.'[96]

Nimeiri's intrusion into the internal politics of the Southern Region to support his preferred faction remained constant. Elections for the southern Regional Assembly were held in 1973, 1978, 1980 and 1982, with Nimeiri regularly intervening, even arbitrarily dissolving the assembly in 1980.[97] Provincial Commissioners in the south still reported directly to the national president, regardless of the fact that they worked within the Southern Region.[98] The president had so many avenues of influence, and the southern institutions were so weak that, even if Nimeiri had not launched such bold frontal assaults on the legal status of the region, he could still undermine southern autonomy's effectiveness.[99] There remained discrepancies in the AAA concerning the separation of powers. The AAA implicitly allows the national president to remove the president of the HEC, and therefore the entire regional government as the cabinet would also be forced to resign.[100] The national president could also veto regional legislation, a fairly significant compromise of the region's autonomy.[101]

Ultimately, therefore, the agreement was reliant on the benevolence of the national president and his respect for the constitution of 1973, in which the AAA was itself enshrined. The constitutional amending process in Article 34 was never used under Nimeiri, even on the question of the redivision of the south, perhaps because the motion would have been rejected. Nimeiri instead relied on Articles 81 and 82,

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[96] Wakoson, "The politics of Southern self-government 1972-1983," 31.
[97] Lesch, *The Sudan: Contested National Identities*, 50. Kasfir, "Southern Sudanese Politics Since the Addis Ababa Agreement," 162. Wakoson, "The politics of Southern self-government 1972-1983," 42. Yongo-Bure, interview. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 320, 365, 378-379. Nimeiri used a financial scandal involving Lagu, which had resulted in heated debate in the Regional Assembly, as a pretext to dissolve both the regional and the national assembly, and to ask for Lagu's resignation.
[98] Wai, *The African-Arab Conflict in the Sudan*, 172. These commmissioners in turn appointed assistant provincial commissioners to oversee specialized fields such as education and agriculture, directly overlapping with the responsibilities of the region.
[99] Martin Schüepp. *To Make Unity Attractive: A Framework for State- and Power-Structures and Electoral Systems in the Sudan's Post-Conflict Transition.* MA Thesis, Tufts University, 2006, 13.
[100] Wakoson, "The politics of Southern self-government 1972-1983," 36. *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of the Sudan*, Article 13ii.
[101] Wakoson, "The politics of Southern self-government 1972-1983," 37. *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of the Sudan*, Article 28.

which allowed him extra authority as president to protect national unity.[102] The national president was legally obligated to consult the High Executive Council's president and the speaker of the Regional Assembly concerning any attempts to dissolve that assembly, making his 1980 proposal to carry out a plebiscite in the south on the issue of division constitutionally suspect since the decision did not come from the region's president or speaker, but from Khartoum.[103] After the initial regional resistance to Nimeiri's attempt to redivide the south in 1980, the president reinvigorated his efforts to form a reliable cadre of patrons in the region, while strengthening his standing in the army nationally in the event of southern resistance. In 1981, Nimeiri succeeded in convincing four southern politicians who had recently been defeated or removed from government, including Joseph Lagu himself, to sign a petition requesting that the president redivide the Southern Region.[104] Nimeiri assured them that redivision would allow for more government jobs. There would now be three governors instead of one head of the High Executive Council. There would be 45 ministers instead of 15. Nimeiri also vowed that more money would be sent to the three resurrected provinces for development.[105] These politicians now formed the core of Nimeiri's new 'outsider' base.

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[102] Akolda M. Tier. "A Critical Comparative Analysis of the Processes of Resolving The Conflict in The Sudan." *United Nations Public Administrations Network.* Addis Ababa, 2002, 8. Khalid, *The Government They Deserve*, 262.

[103] *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of the Sudan*, Article 2. The AAA could not be amended except by a three quarters majority of the People's National Assembly, and then confirmed by a two-thirds majority in a referendum in the south. Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 206. Yongo-Bure, interview. Yongo-Bure notes that Nimeiri's repeated willingness to dissolve the assembly meant that 'the future of southern politicians as a result did not depend on the southern people... politicians could be pressured, but they paid allegiance to Nimeiri'.

[104] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 255. The four men were Lagu, Othwonh Dak, Oliver Albino and Philip Obang. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 513-517. Lagu had joined others in putting out a pamphlet in 1980 advocating separation of the south into three provinces. He offered as a chief complaint that the Dinka dominated government positions in the Southern Region. Yet the list he provides indicates that the Dinka occupied roughly half of the available regional positions. While this was a greater proportion of positions than the Dinka, who compose roughly 40% of the population, might warrant, the fixable nature of this quota did not seem to justify in itself the desire of Lagu and others to abandon a united Southern Region. Kok, *Governance and Conflict in the Sudan 1985-1995*, 73. Kok disputes the evidence Lagu cited, noting that it was devoid of the context of population ratios and province affiliation. Wakoson, "The politics of Southern self-government 1972-1983," 33-34. Wakoson notes that northerners often argue that the AAA applied to the people of southern Sudan, not the south as a political unit. That is, the rights were not granted to the region itself, which might give it an element of sovereignty. Instead, these were freedoms conferred upon the región's people by the state and could be removed.

[105] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 255. Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 90.

Pressure from the national government to realign the patronage system in the south eventually began to crack the ideological coalitions forming there. In the spring 1982 elections, those who favored keeping the Southern Region united won more seats than those who favored redividing the south into three provinces. However, in a demonstration of how weak ideological convictions had become, several unionists broke away to back the divisionist Joseph James Tambura as speaker. Some southern activists charge that Nimeiri, not being satisfied with the initial results which favored the unionists, delayed responding to the results of the elections until he had persuaded enough unionist candidates to change positions. After intense lobbying throughout May 1982, enough unionists were persuaded to vote for divisionist James Tambura that he won the election.[106] Some of these members felt they had a better chance of getting cabinet positions from smaller divisionist groups and others may have opposed Alier for personal reasons. Tambura defeated the unionist Clement Mboro, and Nimeiri now had an ally in undermining the most basic tenets of the AAA.[107]

By 1983, Nimeiri felt strong enough to implement a rapid succession of moves to dismantle the AAA. In June, he issued a presidential decree dividing the south into three regions again.[108] HEC president Tambura would become head of the restored Equatorian region. Alier was removed from the national Vice President post and replaced with Lagu.[109] It was on the basis of this abrogation of the terms of the AAA by the very parties which had concluded it eleven years earlier that SPLM/A leader John Garang denounced the agreement as nothing more than a deal between bourgeois northern and southern elites. The north dictated the terms and the southern

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[106] Madut-Arop, *Sudan's Painful Road to Peace,* 34. Malwal, *The Sudan: A Second Challenge to Nationhood*, 33.
[107] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 406. Malwal, *The Sudan: A Second Challenge to Nationhood*, 33-34. Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 211. Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 197. Alier thinks one of the reasons some southerners preferred Lagu to himself was because several prominent southerners had not received expected government positions under Alier's tenure. Others were angry at detentions Alier had issued in 1975 and 1976. Some disliked Alier's economic policy, while others thought he focused too much on keeping the peace of the AAA rather than making demands from Khartoum on behalf of the south. Yongo-Bure, interview. Yongo-Bure notes that many Equatorians, while they were appointed to mid-level technical positions, resented Alier for appointing primarily Dinka to top positions in the regional government. They also resented what they alleged was mistreatment by Alier-appointed Dinka police.
[108] Taisier M. Ali, Robert O. Matthews and Ian Spears. "Failures in Peacebuilding: Sudan (1972-1983) and Angola (1991-1998)." *Durable Peace: Challenges for Peacebuilding in Africa.* Toronto: University of Toronto Press Incorporated, 2004, 293. Heraclides, "Janus or Sisyphus? The Southern Problem of the Sudan," 227. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 421. Malwal, *The Sudan: A Second Challenge to Nationhood*, 20. Wakoson, "The politics of Southern self-government 1972-1983," 34. Madut-Arop, *Sudan's Painful Road to Peace,* 55.
[109] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 407, 410, 422.

elites 'compromised the interests of the masses in return for jobs which had long been denied them during the Sudanization of the 1950s'.[110] The SPLA was formed between May and July 1983, nearly concurrent with the south's redivision, and would be defined by its refusal to be 'bought off' by the government in Khartoum, especially during its formative years.[111]

Nimeiri's lack of attention to the exclusive coalition he had formed with his southern partner meant that the renewed insurgency in the region caught him by surprise.[112] His response was haphazard. Military offensives were ineffective and his various mediation and reconciliation efforts with southern insurgents were not greeted seriously. Nimeiri approached the World Council of Churches and African states such as Kenya to mediate between Garang and himself, futile gestures after his drift towards political Islamism. Nimeiri attempted, without success, another 'National Reconciliation' maneuver between the *Khatamiyya* and Ansar to face the south with a united front, as he had used the south to face off these northern factions a decade earlier.[113] By late 1984, Nimeiri was reduced to rescinding the redivision edict and returning to the original AAA. The SPLA surely must have sensed weakness in this completely arbitrary decision by a leader who had exhausted his credibility nationwide.[114]

SECURITY, THE MILITARY, AND THE PATRONAGE STATE

The AAA marks the first time the army was used explicitly as an instrument of the patronage state. Nimeiri's acquiescence to allow the induction of former insurgents into the military may have been a necessary condition of peace with the Anya Nya, but it began an evolution by which the state slowly began to cede its monopoly on the

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[110] John Garang, *John Garang Speaks*, 51.

[111] Barnaba Marial Benjamin. "The Sudan People's Liberation Movement/Army and the Peace Process," *The Sudan Peace Process: Challenges and Future Prospects*, Ed. John G. Nyuot Yoh and Eddy Maloka. East Lansing, Michigan: Michigan State University Press, 2005, 45. Khalid, *Nimeiri and the Revolution of Dis-may*, 284. Taban Lo Liyong. "South-South Sudanese Dialogue," *The Sudan Peace Process: Challenges and Future Prospects*, ed. John G. Nyuot Yoh and Eddy Maloka. East Lansing, Michigan: Michigan State University Press, 2005, 145. Johnson, *The Root Causes of Sudan's Civil Wars*, 62.

[112] Khalid, *Nimeiri and the Revolution of Dis-may*, 286, 389.

[113] Khalid, *Nimeiri and the Revolution of Dis-may*, 287, 388.

[114] Madut-Arop, *Sudan's Painful Road to Peace,* 118. Khalid, *Nimeiri and the Revolution of Dis-may*, 371, 389. By early 1985 Nimeiri was offering Garang a cease fire, along with the Vice Presidency and development of oil in the south. It again appeared a desperate, insincere move to Garang.

legitimate use of force to various clients via the military, security, and paramilitary forces. The ultimate result of this long process has been the delegitimizing of the national army as a guarantor of southern security and the subsequent validation of the SPLA demand for a separate southern army.[115] In addition, Khartoum's inability to consistently integrate southerners into the national army following the AAA allowed the SPLM/A to argue for more robust security provisions in the CPA process.

The army is perhaps modern Sudan's oldest secular institution. Founded in 1924 by the British, it was rarely used during the colonial period as an instrument of internal repression.[116] The military in Sudan was not seen as a detached institution like some counterparts in Africa, but as a 'mirror' of Sudanese society.[117] It has traditionally had exposure to all the varied ideological trends in northern Sudan, and has acted on those influences regularly as its history of mid-level *coups d'état*, both successful and unsuccessful, demonstrate.[118] Because of the modern secularist structure upon which it was founded, top military officers, even religious conservatives, had traditionally been hesitant to use religion as a mobilizing force in warfare. The call to jihad was never issued during the first war against southern rebellion in part because each of the successive regimes saw it as an outmoded, anti-modern method of conflict.[119]

The Abboud regime, Sudan's first post-independence dictatorship, may have posed the first compromise of the army's reputation for impartiality and integrity among northerners. Immediately following the *coup*, the army could rely on its military nature to assuage urban, riverine northern Sudanese that it would be a welcome antidote to the chaotic and unstable parliamentary period of the 1950s. However, Woodward lists several reasons the Abboud regime could not adopt the appearance of neutrality in its state-building efforts as the British had done. The junta was identified with distinct elements of Sudanese society which it favored, such as the

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[115] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 118. A proposal for such an army had been one of the amendments Lagu's SSLM subordinates had pressed him to introduce in the weeks of March 1972, after the drafting of the AAA and before its ratification. The discarded amendments included other such arrangements of loose confederation such as the power of the south to make treaties with foreign governments.
[116] Woodward, *Sudan, 1898-1989: the Unstable State*, 102.
[117] Woodward, *Sudan, 1898-1989: the Unstable State*, 232.
[118] A.G.G. Gingyera-Pinycwa. "The Border Implications of the Sudan Civil War: Possibilities for Intervention" *The Southern Sudan: The Problem of National Integration.* Ed. Wai, Dunstan M. London: Frank Cass, 1973, 127.
[119] Gingyera-Pinycwa, "The Border Implications of the Sudan Civil War: Possibilities for Intervention," 127.

Umma party which many junta members had been affiliated with before the *coup*.[120] In addition, political parties were much more developed now and could protest this bias. Civil society was also more complex by the late 1950s than it had been during the Condominium, allowing more outlets for protest and dissent.[121]

By the 1960s, the army was also not as reliably conservative as it had been before independence. Nasser's radical example in Egypt had been a major influence on low to mid-ranking nationalists in the officer corps, as the 1969 revolt would demonstrate.[122] In fact, the officers who staged that *coup* would claim they were defending the 1964 October Revolution – which had brought down the conservative Abboud regime – from the same reactionary sectarian forces which by 1969 dominated parliament.[123] It was this mix of nationalist vigor, combined with the desperation of a fragile regime seeking a new partner, which allowed for Nimeiri to absorb the Anya Nya into the armed forces. The novelty of this move disguised the fact that it was in accordance with other elements of the AAA which incorporated the south into a national patronage network.[124] The induction of southern insurgents into the army would have been unthinkable to the orthodox Abboud, who considered the ill-trained Anya Nya to be little more than bandits impeding the army's Arab-Islamic state-building project. Abboud instead relied on sectarian support from the *Mahdiyya* faction for his regime's legitimacy, and was therefore also more subject to the civil society which would withdraw its support for his regime in 1964.[125]

The patronage system established by the AAA in the south was not enough to solidify Nimeiri's hold on power, as demonstrated by a series of events in the mid-1970s which led him to consider another exclusivist coalition. The short-lived *coup* attempt

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[120] Woodward, *US Foreign Policy and the Horn of Africa*, 30.
[121] Woodward, *Sudan, 1898-1989: the Unstable State*, 135.
[122] Woodward, *Sudan, 1898-1989: the Unstable State*, 135. Dunstan M. Wai. "The Sudan: Domestic Politics and Foreign Relations under Nimeiry." *African Affairs* 78:312 (July 1979), 301. Telephone interview by the author with R. S. O'Fahey, Oslo, 2009.
[123] Lesch, *The Sudan: Contested National Identities*, 84. Daly, "Broken bridge and empty basket," 5. Deng, *War of Visions: Conflict of Identities in the Sudan*, 17.
[124] *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of Sudan*, Articles 10, 14 and 20. These articles pertain to the immense freedom the national president had to intervene in southern institutions and the reliance of the High Executive Council and the People's Regional Assembly on his benefaction. They allowed the national president to appoint an interim head of the Regional Assembly, the freedom to ignore southern requests to postpone national legislation in that region, and the right to appoint members of the High Executive Council 'on recommendation' from that body's president.
[125] Woodward, *US Foreign Policy and the Horn of Africa*, 30.

in September 1975 undermined Nimeiri's faith in his regime's stability, and convinced him to introduce amendments giving him more power to issue decrees and build up his security apparatus.[126] While this indicated the trend of an increasing personalization of power, and of reliance on security forces, it did not contain the threat to Nimeiri from his powerful enemies abroad. Another *coup* attempt in 1976 highlighted how Nimeiri's obligations to his southern partners under the AAA compromised his regime's security in other remote regions. Many conspirators in this attempted power grab came from the western regions of Darfur and Kordofan. Westerners were increasingly unhappy with the continued underdevelopment of their area, especially when money these regions sent to the national government was used to fund administration in the south.[127]

Increasing insecurity in the south would become a factor in the National Reconciliation. Southern soldiers began periodic revolts as early as early as 1975 and 1976, when they defied authority in Akobo and Aweil respectively and mutinied, forming the basis of what would later comprise the Anya Nya 2.[128] A little-cited February 1977 incident at the airport in Juba also may have shaken Nimeiri's faith in southern support and, coming only six months after the 1976 *coup* attempt, the stability of his own rule. A detachment of mainly absorbed Anya Nya forces attempted to take over the airport, declaring that forces would be flying in from Uganda, Ethiopia and Libya to take over the south and then overthrow the regime. When the attempt to take over the airport failed, the mutineers escaped into the jungle, leaving it uncertain as to whom their conspirators within the national

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[126] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 190. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 48. Khalid, *Nimeiri and the Revolution of Dis-may*, 49. An amendment was introduced to the president's articles in September 1975 which severely damaged the integrity of the constitution, which gives the assembly the power to monitor the president. Article 106 gave the president the right to issue Provisional Republican orders when the People's Assembly was not in session or when it was urgent, a much wider realm of authority.

[127] Khalid, *Nimeiri and the Revolution of Dis-may*, 143. Fadlalla, "The Search for a Constitution," 48. O'Fahey, interview. After the south, Darfur was typically among the least developed regions of Sudan. Darfur had seen almost no development during the colonial period and, aside from a railroad constructed in 1959 reaching the town of Nyala in the south of the province, little development since independence. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 209. Assefa writes that southerners, being a bedrock for the foundation of Nimeiri's regime after the AAA, may have been tainted in the eyes of other Sudanese because of the exclusive relationship they now shared with the military dictator.

[128] Madut-Arop, *Sudan's Painful Road to Peace,* 29. Akolda M. Tier. "A Critical Comparative Analysis of the Processes of Resolving The Conflict in The Sudan." *United Nations Public Administrations Network.* Addis Ababa, 2002, 4. Liyong, "South-South Sudanese Dialogue," 145. The Akobo group by 1978 had crossed into Ethiopia to launch regular attacks.

government or that of the Southern Region might have been.[129] The incident coincided with the ending of broader southern patronage by Khartoum as Nimeiri turned towards dissident northern Islamists to further bolster his regime.

By the mid-1970s, the security network was not loyal to Nimeiri personally, and it was not clear that it would be able to neutralize the threat from opponents in exile even if it were.[130] As a result of his weakness nationally, which the AAA could only temporarily abate, Nimeiri was forced to reconcile with his northern enemies, seeking to induct them into his patronage network.[131] While the 1977 National Reconciliation was aimed primarily at the major sectarian parties, the ultimate beneficiaries were the Muslim Brothers. Nimeiri's interest in incorporating the security apparatus into his patronage network, coupled with his need to accommodate his new Islamist allies with employment, led to a natural infiltration of Islamists into the security forces.[132] Nimeiri found that patronizing the security forces was even more economical than his efforts to do so with the military, and his increased reliance on them to defend his rule would be emulated by the NIF regime.[133] Nimeiri's last vice president, Omar Mohammed Al-Tayeb, had spent most of his career as an intelligence officer and was used by the president as a counterweight to any over-reliance on the military.[134] However, if the National Reconciliation of 1977 was indeed to be a truce

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[129] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 353-354. Lagu asserts that just to make sure, various southern politicians opposed to Alier, such as Joseph Oduho, were detained.

[130] Khalid, *Nimeiri and the Revolution of Dis-may*, 170. Khalid asserts that Nimeiri had asked his head of security to consider assassination attempts on such exiled sectarian leaders Yusuf Al-Hindi and Sadiq Al-Mahdi. When the security head refused, he was fired in 1977.

[131] Khalid, *Nimeiri and the Revolution of Dis-may*, 170. Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 86. Lesch, *The Sudan: Contested National Identities*, 52.

[132] De Waal, *Islam and Its Enemies in the Horn of Africa*, 112. O'Fahey, interview. Mohamed Elhachmi Hamdi. *The Making of an Islamic Political Leader: Conversations with Hasan al-Turabi.* London: Al-Mustakillah, 1996, 23. As Muslim Brothers' leader Hassan Al-Turabi stated in an interview: 'New areas of work like security emerged in the movement as a result of the new strategy. We had very timidly ventured into that field in the early seventies, but during reconciliation security became an established function.' Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 56-57. Sidahmed describes a situation by the late 1980s where Islamists in the intelligence services were able to protect their colleagues in the military by drawing attention away from their subversive activities, preparing the environment for what would become the June 1989 NIF-supported coup.

[133] De Waal, *Islam and Its Enemies in the Horn of Africa*, 111. De Waal describes the tendency of the NIF regime to pursue a strategy similar to the one Nimeiri used towards the end of his rule: heavy reliance on security and patronage networks to cement the regime. Bratton and van de Walle, *Democratic Experiments in Africa*, 76. The authors note the transition of military regimes towards relying on civilian institutions over military ones as indicative of a neo-patrimonial system: the flexibility and technical expertise of civilian bureaucrats, as well as the perceived legitimacy of civilian leadership over that of the military, becomes enough of an incentive for such an evolution.

[134] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 166. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 432. Gurdon, *Sudan at the Crossroads*, 119-120. Gurdon notes that Al-Tayeb's background as head of security gave him little support from the army, which was also insurance against his

with marginalized northerners as the AAA was with the south, it was comparatively inadequate. Unlike the agreement with southern insurgents, under National Reconciliation, former National Front fighters were not treated as combatants and absorbed into the national army. They were instead resettled as farmers on agricultural schemes, if they were employed at all.[135] This disparity of conditions under the terms of the two treaties only heightened the alienation felt in remote areas such as the west towards the national government, leading to further pressure for AAA abrogation.

National Reconciliation may not have marked the end of the AAA, but in practice it was clear that it would be at odds with it. The National Front, particularly the Muslim Brothers, would consistently push for review of AAA provisions in areas such as language, culture, religion, and security arrangements.[136] Nimeiri's motion of inclusion towards northern exiles coincided with widespread retirements and dismissals of southern officers, who had been absorbed into the national army as part of the AAA, coinciding with the end of the five-year period by which these troops were guaranteed positions.[137] While these retirements did not violate the letter of the agreement, they did violate its spirit. Southerners had expected these positions were to mark the beginning of southern representation among officers, not serve as a one-

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complicity in a *coup* attempt. There were also rumous of a private scandal involving the vice president which were useful to Nimeiri. Lesch, *The Sudan: Contested National Identities*, 58. Al-Tayeb had the potential to assist Nimeiri in the event of a *coup* attempt, as his security forces in the capital area numbered 45,000, more than the number of troops garrisoned there.

[135] "Nationalism, Federalism and Self-Determination in a Multi-Polar Sudan." *Committee of the Civil Project.* Issue Paper F-3, 9.

[136] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 258.

[137] *Addis Ababa Agreement: Protocols on Interim Arrangements*, Chapter II, Article 1. Mom Kou Nhial Arou, "Devolution and the Southern Problem in the Sudan." *Post-Independence Sudan.* Ed. C. Allen. Edinburgh, University of Edinburgh, 1981, 139. Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 263. Alier notes that between 1973 and 1982, no southerners officers had been commissioned except for 270 in 1974. By 1986, only 57 of the original 203 absorbed southern officers remained in the army. Madut-Arop, *Sudan's Painful Road to Peace,* 34. By 1982, only 2000 of the original 6000 absorbed Anya Nya fighters remained, and none were replaced with southerners as this was not a directly expressed condition of the AAA. Madut-Arop, *Sudan's Painful Road to Peace,* 24-25. Southern troops were slowly being rotated out of the south in the period almost immediately following the AAA. In September 1972, many senior former Anya Nya officers were ordered to report to Khartoum for training in India, Pakistan and the United Kingdom. Upon their return from these states, they were reposted in areas of Sudan outside the Southern Region. It was the dissatisfaction this initial move caused which gave John Garang his first recruits: former Anya Nya officers who were tacitly opposed to the AAA.

time gesture.[138] Unlike the CPA, the AAA was not reliant on implementation modules so much as it was the goodwill between the parties.

It was finally the rotation of southern troops in the early 1980s which provoked war again, particularly out of areas that were important for reasons of strategy or resources.[139] By the early 1980s, Nimeiri was becoming more explicit in his intentions regarding the Bentiu oil fields. During this period he had begun to rotate southern troops out of the region, replacing them with western troops.[140] This action became a precursor to the rotation of southern troops in early 1983 which would result in the Bor Mutiny and the second civil war. Nevertheless, it is instructive to note that it was the removal of southern troops from their region which led to the mutiny, not the removal of southern troops from oil regions. This indicates that, while exclusion from access to Sudan's natural resources and regional redivision may have raised hostility among southerners towards Khartoum, it was only the attempt to remove southern troops from their region which led them to violence.

As his rule became ever more fragile throughout the 1980s, Nimeiri was increasingly obliged to ensure the army's loyalty. Army patronage was expensive, however, and Nimeiri soon began to realize that rather than pay the army out of the treasury, he could use state power to allow it to function as a commercial enterprise. The armed forces were now allowed a monopoly on the importation and production of certain

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[138] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 325. Lagu refers to the halt in recruitment of southerners into high positions in the military as a major blow to the legitimacy of the May Regime after the AAA.

[139] Madut-Arop, *Sudan's Painful Road to Peace,* 46. Khalid, *Nimeiri and the Revolution of Dis-may*, 284. "Raising the Stakes: Oil and Conflict in Sudan." *Sudan Update*, (December 1999), 77. Sidahmed, *Politics and Islam in Contemporary Sudan*, 158. Woodward, *Sudan, 1898-1989: the Unstable State*, 161. To southern soldiers, the rotation of troops was suspiciously similar to the rotation of troops that had instigated the 1955 Torit Rebellion which sparked the first civil war. There were also rumors that the May Regime was planning to send southern soldiers to aid Iraq in its war against Iran.

[140] Ali, Matthews and Spears, "Failures in Peacebuilding: Sudan (1972-1983) and Angola (1991-1998)," 291. International Crisis Group. *God, Oil and Country: Changing the Logic of War in Sudan.* 10 January 2002, 12. ICG cites pressure from Nimeiri's National Reconciliation partners such as Turabi as a cause for the rotation of southern troops away from the Bentiu region. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 414. Troop rotation was common prior to the AAA, but it was viewed by southerners as a way for Khartoum to remove southern troops from the area they were most dedicated to protecting, the south. Rotation was not practiced from 1972 to 1983. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 131. El Obeid notes the hesitance which former insurgents had towards being rotated out of the south, arguing that by 1980 this demonstrated that it was unlikely the former Anya Nya would ever integrate nationally with their northern counterparts. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 42. The attack on the mutineers was taken by the National Defense Council and had the support of four camps: Islamists and Arabists, Equatorian soldiers who wanted to cut Dinka power down, military officers who sought order and discipline among the absorbed troops, and Nimeiri himself.

goods and began to make up a vital sector of the national economy.[141] The establishment of this Military Economic Cooperation seemed to work temporarily. The army had remained loyal by 1982 when it crushed civilian unrest after riots over IMF-backed price rises on basic goods.[142] With the collapse of the AAA, the military-economic alliance may have exacerbated tensions in the south. After the Bor mutiny and subsequent renewed warfare in the region, the cooperative benefited from the instability which disrupted reliable transport. With civilian traders from the north unable to reach southern markets, the military was able to corner many areas of trade throughout the region.[143] Hence, by the time of Nimeiri's April 1985 downfall, the military actually profited from the lack of security in the southern region.

This experience of absorbed insurgents after the AAA would provide a severe learning experience for the SPLA during the IGAD negotiations. During these talks, the government's original position concerning security was 'immediate integration' of the SPLA with the Sudanese Armed Forces. However, in the 2003 negotiations it conceded the SPLA's point that the similar integration after the AAA had 'meant that the south had ended up without a means of self-defense.'[144] Both parties in the IGAD process negotiated 'on the underlying assumption that conflict might be necessary once more, either during the interim period or subsequently'.[145] As a result they sought to avoid provisions in the agreement which would hinder their ability to maintain and equip their armed forces. In order to keep negotiations alive, mediators allowed this to happen. During the negotiations to finalize the permanent cease fire in late 2004, neither the primary government negotiator nor his SPLM counterpart considered the issues of disarmament, demobilization and reintegration to be important enough to warrant extended discussion, leaving matters to their advisors

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[141] Gurdon, *Sudan at the Crossroads*, 111. Khalid, *Nimeiri and the Revolution of Dis-may*, 222-223. Khalid underscores the patronage element to the Military Economic Cooperation: Nimeiri's ostensible propose for handing sectors of the economy to the military was that it had organization and discipline unrivalled in the private sector. However, military managers were not given the flagging sectors to manage, but the most profitable ones in trading.

[142] Woodward, *Sudan, 1898-1989: the Unstable State*, 163. Lesch, *The Sudan: Contested National Identities*, 83. Jendia, *The Sudanese Civil Conflict: 1969-1985*, 154.

[143] Sidahmed, *Politics and Islam in Contemporary Sudan*, 162.

[144] Richard Barltrop. *The Negotiation of Security Issues in Sudan's Comprehensive Peace Agreement.* Geneva: Center for Humanitarian Dialogue, 2008, 21.

[145] Barltrop, *The Negotiation of Security Issues in Sudan's Comprehensive Peace Agreement*, 19-20.

and resource people.[146] In the 2003 Security Agreement, the role of the police and judiciary was not described. It was instead referred to in the power-sharing agreement.[147] This arrangement is noteworthy, as both these elements of law are vital to security but were contested like everything else, and therefore discussed in terms of power.

PARLIAMENTARY DEMOCRACY AND THE RISE OF THE POPULAR DEFENSE FORCES

The disintegration of the unity of the Sudanese Armed Forces is a key factor in Khartoum's willingness to allow the SPLA to preserve their military capability under the terms of the CPA. The evolution of this process was a long one, and coincides with the recession of the nationalist project in northern Sudan. The militia networks which would pose the greatest challenge to the army's monopoly on violence can trace their origins back to the 1970s. Khartoum's inability at that time to stop desertification of northern lands contributed to the pressure on savannah nomads to move southward in search of water. This migration began intense competition between arabized and non- arabized tribes in the south over grazing land.[148] Nimeiri exacerbated this problem when he armed tribes friendly to the government at the beginning of the second civil war. Baggara Arabs in Bahr Al-Ghazal particularly were armed to fight the Dinka.[149] Later governments would continue this policy of

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[146] Barltrop, *The Negotiation of Security Issues in Sudan's Comprehensive Peace Agreement*, 23-25. As Sulafedeen Salih Mohamed, head of the Northern Sudan Disarmament, Demobilization and Reintegration Commission was quoted in 2007, 'In Sudan we ended up with two very strong military institutions, whereas in most peace processes you end up with one. Could this have been avoided? I doubt it very much. Disarmament, demobilization and reintegration wasn't really part of the agreement.' Barltrop notes that both parties rejected the standard terminology of disarmament and reconciliation. Southerners favored the term 'force reduction' over 'disarmament', since the latter implied defeat.

[147] Barltrop, *The Negotiation of Security Issues in Sudan's Comprehensive Peace Agreement*, 34.

[148] Woodward, *Sudan, 1898-1989: the Unstable State*, 191. Jendia, *The Sudanese Civil Conflict: 1969-1985*, 161.

[149] R.S. O'Fahey. "Islam and Ethnicity in the Sudan." *Journal of Religion in Africa 26*:3 (August 1996), 265. Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 273. Madut-Arop, *Sudan's Painful Road to Peace,* 134. Woodward, *Sudan, 1898-1989: the Unstable State*, 192. The Rezeigat and Misseriya tribes were particularly common in the PDF, being natural foes of the Dinka in this area. Jendia, *The Sudanese Civil Conflict: 1969-1985*, 162. Jendia notes that the Baqqara tribes had been generally neutral in the first war, seeing the conflict as a fight between the south and Khartoum, not directly involving them. However, in 1983, Nimeiri removed the ethnic demarcations along the border of Bahr Al-Ghazal and the northern provinces of Darfur and Kordofan, allowing the pastoralist Baqqara free passage to southern grazing lands. The result was not only the overgrazing of traditional Dinka and Nuer lands, but that in the second war the northern pastoralists would become Khartoum's clients as it was the government which allowed access to the fields.

arming tribes in the south to show that the conflict was tribal, not ideological, and to disguise the level of direct government involvement in the campaign.[150]

The weak nature of the parliamentary regimes following Nimeiri, and their eventual inability to rely on the army to prosecute the renewed war in the south, led to the most important rival of the conventional military, the umbrella organization of northern militias known as the Popular Defense Forces (PDF). The PDF represented an expansion of the patronage system to the hinterlands of north Sudan, where the military was too overwhelmed with the rebellion in other parts of the south to provide security, even against the SPLA.

The formal creation of the PDF was an assault on Sudanese institutions both venerable (the army) and recent (the assembly). After a particularly brutal Dinka attack on a south Kordofan village in July 1985, tribal leaders in the region gave the visiting Minister of Defense an ultimatum: Khartoum would either provide security for the Arab Baggara peoples in south Darfur and south Kordofan or these tribes would turn to the SPLA for their security, effectively joining the rebellion. The military was at the time too demoralized and overstretched to be moved into the area. As a result, the minister's delegation made a decision to start arming the Baggara – without the required authorization from the National Constituent Assembly.[151] The formation of the paramilitary Popular Defense Forces was therefore an attempt to put the patronage network to work fighting the civil war as it became clear in the 1980s that the army had neither the capacity nor the will to serve in them. The factional nature of Sudan during the parliamentary period made the politics of the military a

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[150] Johnson, *The Root Causes of Sudan's Civil Wars*, 69.

[151] Suliman, "Civil War in Sudan: The Impact of Ecological Degradation," 12. Jago Salmon. "A Paramilitary Revolution: The Popular Defence Forces." *Small Arms Survey* 10 (December 2007), 9, 12. Johnson, *The Root Causes of Sudan's Civil Wars*, 132. Amani M. El Obeid. *Chronique Politique du Soudan 2003.* Cedej, Le Caire, Etudes et document, 16-17 (2004), 21. Sikainga, "Northern Sudanese political parties and the civil war," 85. Francis Mading Deng, "Green is the Color of the Masters: The Legacy of Slavery and the Crisis of National Identity in Modern Sudan." *Gilder Lehrman Center for the Study of Slavery, Resistance and Abolition*, Yale University. New Haven, Connecticut. 23 October 2004, 45. Salah El-Zain, "Articulation of Cultural Discourses and Political Dominance in Sudan." *Respect* 1:2, (March 2006), 8. Alex De Waal. "Some comments on the militias in contemporary Sudan" *Civil War in The Sudan.* Eds. Daly, M.W. and Ahmad Alawad Sikainga. London: British Academic Press, 1993, 147. J. Millard Burr and Robert O. Collins. *Requiem for the Sudan: War, Drought and Disaster Relief on the Nile.* Boulder, Colorado: Westview Press, 1994, 240. Khalid, *The Government They Deserve*, 357, 391. Madut-Arop, *Sudan's Painful Road to Peace,* 159, 167, 184. Kok, *Governance and Conflict in the Sudan 1985-1995*, 70, 96. Kok stresses the segregated makeup of the army by the early 1990s, when over 94% of the officer corps was of arabized background and over 80% of the enlisted men were from the non-Arab regions of the west, east and south.

political consideration. While *Khatmiyya*, and increasingly the NIF, had many loyalists among the army, Sadiq Al-Mahdi and the Umma party typically had ambiguous support, especially in the officer corps. Al-Mahdi realized that by turning to a paramilitary force such as the PDF, he could mobilize his Ansar loyalists independent of the army, and continue relying on tribal militias.[152]

However, the decision was not a popular one. The reason Al-Mahdi had not consulted the assembly regarding militias was that many members of his own Umma party opposed the plan. It is revealing that, of the various parliamentary factions, only the NIF gave overwhelming support to this move to bolster the war effort.[153] Hence, what began as a tool of convenience by one of Khartoum's more fragile coalitions paved the way for further compromises under the later, even less popular, NIF regime. The move was therefore not without controversy. Defense Minister General Abd Al-Majid Khalil, who would resign in February 1989 over the war, was upset by what he saw as the Prime Minister's erosion of the integrity of the army, one of Sudan's most stable institutions. Khalil disapproved not only of the Umma-backed militias in the west and south, but of Al-Mahdi's appointment of his own cousin, a Baqqara Arab chieftain, as Chief of Staff of the army.[154] This appointment further demonstrates the political patronage which continued even throughout parliamentary periods.

Despite the vital need to discuss its role in a peaceful Sudan, none of the peace initiatives proposed in the parliamentary era of the 1980s – neither the Koka Dam Declaration, the Sudan Peace Initiative, nor the Sudan Charter – discussed the possibility of reorganizing the army. The AAA admitted a set amount of rebels to join the institution individually, but made no deeper attempt to restructure the

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[152] Leonardi, interview. Johnson, *The Root Causes of Sudan's Civil Wars*, 81. De Waal, "Some comments on the militias in contemporary Sudan," 143-144. Robert O. Collins. "Civil Wars in the Sudan." *History Compass* 5:6 (2007), 1785. Lesch, *The Sudan: Contested National Identities*, 83, 135. The NIF approved of Al-Mahdi's PDF militia plan over the army's objections, and after the 1989 coup, Turabi sought to emulate Al-Mahdi's strategy, replacing Ansar warriors with NIF cadres from the urban riverine area. Idris, *Sudan's Civil War*, 125. Atta El-Battahani, "A complex web: politics and conflict in Sudan." *Peace by Piece: Addressing Sudan's Conflicts.* London: Conciliation Resources, 2006, 12. Al-Mahdi also increased the usage of Rizeigat and Misseriya Arab tribes to raid Dinka cattle along the Bahr Al-Ghazal border.

[153] Burr and Collins, *Requiem for the Sudan,* 240.

[154] Lesch, *The Sudan: Contested National Identities*, 83.

force.[155] While the structure of the army seemed non-negotiable in Sudan's various peace agreements, the challenges to its hitherto unique role posed by the various militias throughout the state left its unity a subject of negotiation by end of the twentieth century. Nationalist officers had traditionally considered withdrawal of the army from the south as an admission that it was a northern institution only, an anathema to them.[156] The erosion of the army's capability over the course of the second war made its universal authority easier to challenge by the time of the 2003 Security Agreement.

COALITION-BUILDING IN THE SECOND WAR: NEW NORMS FOR CONFLICT RESOLUTION

The NIF has tried hard to hold to some element of ideological integrity, namely its strict interpretation of Islamic law, to avoid the ideological inertia which seems to have affected previous governments based on coalitions in Sudanese history. However, its resulting lack of popularity has forced it to govern the state as though it were still an opposition party. The history of the regime seems to confirm the theory that NIF tactical planning is suitable for building a power base in opposition, but not for running a government; the ability to manipulate political divisions among opponents has severe limitations when applied to policy dilemmas.[157] For most of the war, the Bashir regime offered no strategy to reconcile ethnic or political differences, simply short-term manipulation. The regime's particular Islamist vision of the government's role could not match transcendental rhetoric with the inclusive administration. To the contrary, in his study of the NIF version of Islamism in Sudan, Sidahmed notes that Sudanese Islamists were especially cynical and self-serving when practicing politics compared with other political parties in the state.[158] As a result of this limited scope, the movement has fallen victim to Arab chauvinism and traditional geographical bias in favor of the riverine areas. Non-Arab Islamists often

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[155] *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of the Sudan*, Article 27.
[156] Justice Africa, 23 February 2005.
[157] De Waal, *Islam and Its Enemies in the Horn of Africa*, 97-98.
[158] Sidahmed, *Politics and Islam in Contemporary Sudan*, 225. Alex De Waal, "Sudan: international dimensions to the state and its crisis." *Crisis States Research Center,* Occasional Paper no. 3 (April 2007), 20. De Waal concurs, writing that 'Khartoum's perfidy is not a cunning stratagem to deceive its adversaries, it is a structural condition of a dysfunctional regime whose members expend most of their efforts on internal intrigue and who do not keep one another fully informed.'

accuse the regime of racism, and the 1999 Bashir/Turabi split occurred along ethnic lines, with Turabi taking on for himself the cause of western Sudanese and non-Arab Muslims while riverine Sudanese and Arab elites generally sided with Bashir.[159] This is an indication of the limits of militant Islamism as a governing ideology: it has only had success in Africa by working to support local agendas.[160] Attempts to impose a top-down, post-nationalist Islamic agenda have failed, as the Arab nationalist project itself had failed in Sudan decades earlier.

The highly tactical nature of the NIF regime leads to an advanced erosion of institutions under it.[161] As the NIF compromised institutions such as the army and banking system it created new norms, namely, allowing for self-determination and a separate army for the south. A reason that so much more was subject to negotiation in the second war was not simply that the SPLM/A had many more demands than the SSLM had, but due to the simple fact that the Bashir junta had made so many tactical agreements by which it indicated what it would allow in a settlement. As time passed, the issue of whether Khartoum was sincere or not in its concessions to southern militias in treaties such as the Khartoum Peace Agreement of 1997 became less important than the fact that its acquiescence to formerly controversial concessions in these agreements set precedents. These allowances provided a pretext for the SPLM/A and international actors to pressure the government to repeat earlier concessions, only this time in a more substantial, comprehensive treaty. As an SPLM/A negotiator during the IGAD process told John Young, treaties such as the KPA 'laid the basis for the CPA'.[162] In the first war, there was little difference in the intensity with which parliamentary and military regimes conducted the war in the south since both types of regime were nationalist and had the same objective. However, there was a significant difference between the way these regimes conducted their war and the way Nimeiri, and especially Bashir, fought the second

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[159] De Waal, *Islam and Its Enemies in the Horn of Africa*, 97-99. Aleksi Ylönen. "Grievances and the Roots of Insurgencies: Southern Sudan and Darfur." *Peace, Conflict & Development* 7 (July 2005), 127-128. Ibrahim, interview. Leonardi, interview. Leonardi notes that Turabi has championed a version of Islam which transcends racial questions such as Arab or African identity, and he has been able to use this to find a faction of support in the Darfur conflict.

[160] De Waal, *Islam and Its Enemies in the Horn of Africa*, 9.

[161] Emeric Rogier. *No More Hills Ahead? The Sudan's Torturous Ascent to Heights of Peace.* Netherlands Institute of International Relations, Clingendael. August, 2005, 41.

[162] John Young. "Sudan IGAD Peace Process: An Evaluation." *Institute of Governance Studies*, Simon Fraser University, Vancouver. 30 May 2007, 15.

war. Neither of the latter two regimes had nationalist objectives at heart, and so had freedom to cut deals with militias, even making promises which they would later be held accountable for in which they promised to allow the south to secede under certain circumstances.

The Bashir regime revealed its ultimate priority, unfettered Islamization throughout the north, over the course of several years. At Abuja 2, an early initiative to end the second war which was hosted by Nigeria in 1993, Kok charged that the government's hidden agenda 'was to secure a deal for NIF-SPLA/M Condominium rule over the Sudan. [The Bashir regime] invited the SPLM/A to be a full partner in the system and to participate in and defend it.' The specifics of resource sharing were not discussed and the regime aspired to keep the south divided, as well as to ensure that the SPLA renounced its plans for national revolution. Khartoum also opposed an independent southern army and multi-party democracy.[163] While many of these demands would later become part of the CPA protocols at this time, the government delegation at this time was not able to detail how the two systems could coincide, since the SPLM/A itself had recently committed to multi-party democracy through its agreements with other members of the NDA.[164] One could make the case that it has been this coalescing of the most powerful northern opposition groups in the NDA around the SPLM's secular agenda that has pressured the Islamist regime to make concessions concerning self-determination for the south and a separate army, but this has not been the truth in at least one important instance. The Cairo Declaration of May 2003 was signed by both Sadiq Al-Mahdi and Al-Mirghani, along with John Garang. It called for a secular national capital, which had been up until then a point of contention in the peace process.[165] Instead of conceding this point, the government angrily rejected the July 2003 Nakuru document which stipulated secularism openly for the first time in the negotiations. This is the best indication of the regime's strongly held priorities in negotiation, and that it was not simply aping the positions of the exiled sectarian parties in the hope of mollifying or neutralizing them. Unlike the sectarians, Bashir could not compromise the Islamic project.

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[163] Kok, *Governance and Conflict in the Sudan 1985-1995*, 194.
[164] Kok, *Governance and Conflict in the Sudan 1985-1995*, 195. Similar deals were attempted with the DUP in October 1993 and the Umma party in January 1994.
[165] International Crisis Group. "Sudan: Towards an Incomplete Peace." 11 December 2003, 14.

After the Nakuru document was rejected, the government realized it needed to demonstrate some popular backing in order to push forward its agenda, which included defense of Islamist policy in the north. This involved loosening restrictions on certain elements of civil society, particularly those which had supported Turabi. The government tried to rally elements of northern society by appealing to their patriotism.[166] Haysom believes that, while the Nakuru draft contained much of what the parties would eventually agree to, it was too early in the process for the government to make such concessions. It was not until Vice President Taha was involved personally in negotiations that the talks were able to make headway.[167]

THE BASHIR REGIME AND NORTHERN AND SOUTHERN MILITIAS

The Bashir-Turabi partnership, by its very nature as a military-civilian Islamist coalition, carried within it tensions which would contribute to its unravelling. While the military faction under Bashir saw the army as the ultimate keeper of order and stability, Turabi saw it as simply a means to the end of Islamic Revolution. The NIF had sought for years to infiltrate the army, and backed Bashir and his Islamist officers in the *coup*, but Turabi believed the ideal Islamic state could not have a military leader.[168] The weakening of the army as a stable, secular, independent institution advanced much more rapidly under the NIF regime than had happened under the governments which came before it. Upon its assumption of power, the junta began methodically removing senior army officers whom it deemed a threat to its command or the new regime, even as Bashir himself accused the previous government of

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[166] ICG, "Sudan: Towards an Incomplete Peace," 15-16. As a result, following an October 2003 rally in Khartoum championing peace and democracy, the regime released Turabi from prison. The Islamist leader then credited Garang and pressure from the international community with his release, and acknowledged 'the peace process as the driving force of political developments in the country'.

[167] Nicholas Fink Haysom. "Reflecting on the IGAD Peace Process." *Peace by Piece: Addressing Sudan's Conflicts.* Accord 18 (2006). London: Conciliation Resources, 2006, 30. Lazaro Sumbeiywo. Interview. *IRIN News Service.* 30 May 2003. 24-25, 120. During the stalemate in the weeks following the rejection of the Nakuru document, Sumbeiywo notes that he was able to determine who the government delegation was constantly corresponding with via mobile phone in Khartoum: Vice President Ali Osman Taha. Through the Kenyan foreign minister, Sumbeiywo was able to set up a meeting with Bashir, who reluctantly agreed that Taha could attend the negotiations in the future.

[168] Al-Shahi, interview. Woodward, interview. Woodward, *US Foreign Policy and the Horn of Africa*, 33. ICG, *God, Oil and Country,* 42. J. Millard Burr and Robert O. Collins. *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000.* Leiden; Boston: Brill, 2003, 31. Donald Petterson. *Inside Sudan: Political Islam, Conflict, and Catastrophe.* Boulder, Colorado: Westview Press, 2003, 102-103. O'Fahey, interview.

undermining the army's efforts in the south.[169] While many Islamist officers might have understood the need for the regime to switch to civilian leadership for appearance's sake, they became increasingly concerned about Turabi's attempts to give to civilian institutions duties the military felt were its own.[170] Turabi understood the need for coercion in the new regime, but preferred to rely on the security apparatus, over which he, as a civilian, would have more control. Security forces would see unprecedented growth under the regime.[171]

It was increased reliance on the militia networks which most undermined the military's monopoly on force in the south, however. Militias were cheaper for the government to sustain than regular army because they did not receive regular salaries, but were instead allowed to keep 'the spoils of war'.[172] The lack of regular salaries allowed Khartoum to deny accountability for the militias, and blame their actions on the generally fragile security situation or inter-ethnic violence. The NIF regime expanded upon the PDF militias after their 1989 takeover, introducing conscription and better coordinating with tribal leaders.[173] Northern secondary students were sent to military training camps, and failure to appear resulted in the loss of education and employment opportunities.[174] Turabi saw the militias as a way to counteract the influence of the army, which he still felt was too secular and difficult to Islamize.[175] He believed instead that for its security Sudan should rely on a small standing army

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[169] Interview by author with Monawar Sharif, Canberra, 2009. De Waal, *Islam and Its Enemies in the Horn of Africa*, 184, 187. Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 307. Over 350 primarily senior officers were dismissed following the June 1989 coup. Lesch, *The Sudan: Contested National Identities*, 135, 151. By October 1993 over 1500 officers had been fired, even as fighting in the south intensified. Woodward, *US Foreign Policy and the Horn of Africa*, 39. Woodward puts the number at approximately 2000 officers dismissed, 40% of the officer corps.

[170] Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 8. An example of Turabi's preference for civilian institutions was a new doctrine stating that the president's appointed High Court was now charged with safeguarding the constitution, traditionally a military role.

[171] Kok, *Governance and Conflict in the Sudan 1985-1995*, 103. Lesch, *The Sudan: Contested National Identities*, 205. The quashing of an attempted uprising in September 1995 showed how strong the NIF and its security forces had become in the Khartoum area by that time, and the early purges of the army officer corps by then had made a military takeover unlikely.

[172] Endre Stiansen. "GOS Revenue, Oil and the Cost of the Civil War." *Money Makes the War Go Round: Transforming the Economy of War in Sudan.* Maison International, Brussels, 12-13 June 2002, 8.

[173] Lesch, *The Sudan: Contested National Identities*, 135. Kok, *Governance and Conflict in the Sudan 1985-1995*, 103.

[174] Jendia, *The Sudanese Civil Conflict: 1969-1985*, 165.

[175] Salmon, "A Paramilitary Revolution: The Popular Defence Forces," 9. Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 7. The earliest PDF recruits under the NIF regime were Islamist cadres from urban areas such as Khartoum and Omdurman.

and a huge militia organization.[176] Most military members of the new junta were suspicious of any rival to the army, but they could not argue with the early success of the *murahileen,* arabized nomads based in Bahr Al-Ghazal and western Kordofan, in revitalizing the war effort against the SPLA.[177] Critically, it was cheaper to supply militias than it would be to train and equip an expanded conventional army.[178] As the imperative of the war became to guard the oil fields, relying on tribes located near that area seemed more practical than transporting troops unfamiliar with the territory to fight there.[179] Relying on tribal militias also meant fewer casualties among soldiers recruited from the urban centers, thereby mitigating the war's unpopularity in these crucial areas.

As the SPLA grew stronger in the late 1990s, Khartoum began to speed up efforts to recruit tribal militias on the north-south border to fight. As a result, it began to lose control over its war efforts. PDF recruits operate autonomously from the command of the regular armed forces, weakening Khartoum's authority over them and blurring the line between organized militia and affiliated tribal forces.[180] The militias pursued not only the government's agenda, but localized vendettas as well. The subsequent government-sanctioned brutality often led non-Arab Sudanese who might have been neutral or even sympathetic to aspects of government policy to become radicalized by the prospect of their land being raided or even confiscated by Arab tribes.[181] Government-backed militias were also becoming upset with their lack of

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[176] Lesch, *The Sudan: Contested National Identities*, 134. By 2003, the PDF was meant to replace the armed forces as the nation's dominant fighting force. Popular police would take over for law enforcement from the regular police force. The NIF would also monopolize the civil service. However, the NIF actually achieved most of this by 1997. Sharif, interview. The main body fighting the SPLA was the PDF, particulary in the 1990s.

[177] Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 7. Paul Goldsmith, Lydia A. Abura and Jason Switzer. "Oil and Water in Sudan." *Scarcity and Surfeit, The Ecology of Africa's Conflicts.* Eds Jeremy Lind and Kathryn Sturman. Pretoria, South Africa: Institute for Security Studies, 2002, 225.

[178] Salmon, "A Paramilitary Revolution: The Popular Defence Forces," 9.

[179] Salmon, "A Paramilitary Revolution: The Popular Defence Forces," 9. Woodward, interview. ICG, *God, Oil and Country,* 27, 121. In the 1980s, senior army officers at the Khartoum Military College developed plans focusing on destabilizing the Dinka in order to win the war, confiscating or destroying Dinka cattle and other assets to cripple the local economy and, subsequently, insurgent leadership. The army argued that lightly armed horsemen would be mobile enough to launch devastating 'hit and run operations'. Sudanese military intelligence also wanted to continue working with tribal militias in Bahr Al-Ghazal and Equatoria.

[180] Salmon, "A Paramilitary Revolution: The Popular Defence Forces," 20-21. Kok, *Governance and Conflict in the Sudan 1985-1995*, 103-104.

[181] ICG, *God, Oil and Country,* 106. Johnson, *The Root Causes of Sudan's Civil Wars*, 84. Yongo-Bure, *The Economic Development of Southern Sudan*, 42. De Waal, *Islam and Its Enemies in the Horn of Africa*, 106. This practice by government militias contributed in part to the SPLA and NDA winning recruits in the Nuba Mountains and the Southern Blue Nile.

government funding and began increasingly cutting their own deals with the SPLA and southern peoples.[182] By 1997, momentum favored the SPLA again, and the PDF was running out of recruits.[183] By 1998, PDF recruitment in the north had reached an all-time low, and Khartoum increasingly began to invest in its alternative strategy: supporting southern-based militias against their larger rival, the SPLA.[184] The Bashir junta promoted its patronage of southern militias throughout the 1990s as a 'Peace From Within' process, signing a series of agreements with various anti-SPLA southern factions.[185] With the 1992 Frankfurt Agreement, Khartoum began patronizing the breakaway factions in earnest, demanding they be allowed to participate in the first round of peace negotiations in Abuja.[186] The SPLA breakaway group SPLA-United, later the Southern Sudan Independence Movement (SSIM), began to accept arms and funds from Khartoum.[187] Khartoum also began to back smaller, tribal oriented militias in Equatoria which resented the heavily Dinka composition of the SPLM/A and the movement's authoritarian nature.[188] Several

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[182] ICG, *God, Oil and Country,* 129-132. Details of Dinka/Baggara reconciliation in 2000-2001 in particular are noted here.

[183] Salmon, "A Paramilitary Revolution: The Popular Defence Forces," 20-21. Increasingly desperate fighting conditions led PDF affiliates to turn to measures such as recruitment of child soldiers. In a sign of conflict to come, Bashir used setbacks during this period to challenge Turabi's control over the militias by appointing a mobilizing authority over the PDF which reported directly to him. The army was also given control over appointing personnel to certain PDF positions.

[184] Salmon, "A Paramilitary Revolution: The Popular Defence Forces," 20. Woodward, interview.

[185] Johnson, *The Root Causes of Sudan's Civil Wars*, 121. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 77. Dean, "Rethinking the civil war in Sudan," 80. Kok, *Governance and Conflict in the Sudan 1985-1995*, 202. Madut-Arop, *Sudan's Painful Road to Peace,* 251-252. In addition, several Islamist NGOs, including one headed by former TMC president Suwar Al-Dhahab, were set up. These agencies would pose as charity organizations, but would generally provide relief to those who converted to Islam first. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 101. Turabi and the Islamists working in the late years of Nimeiri's regime noticed how thorough international NGOs were in accessing remote areas of Sudan, achieving a broader reach than any patronage structure so far. It was on these models that the Islamic NGOs which became a feature of the Bashir regime's patronage apparatus were constructed. Madut-Arop, *Sudan's Painful Road to Peace,* 270-271, 283. Various former members of the NIF regime confirmed that it disingenuously floated the possibility that anti-SPLA factions might be allowed to secede peacefully if they helped defeat the SPLA.

[186] Johnson, *The Root Causes of Sudan's Civil Wars*, 111. Madut-Arop, *Sudan's Painful Road to Peace,* 288-289.

[187] Petterson, *Inside Sudan: Political Islam, Conflict, and Catastrophe*, 125. ICG, *God, Oil and Country,* 17. Lobban, interview. Collins, "Civil Wars in the Sudan," 1788. Despite reconciliation attempts in the September-October 1994 period, divisions among Nuer factions ended the viability of SPLA-United as a movement. Instead, two factions of the South Sudan Independence Movement were formed, including a government-sponsored rump faction lead by Riek Machar.

[188] Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 139. Suliman, "Civil War in Sudan: The Impact of Ecological Degradation," 24. The Mundari, Acholi, Latuka, Madi, Azande and Toposa are tribes that have constituted government-sponsored, anti-SPLA militias at some point during the second war. Johnson, *The Root Causes of Sudan's Civil Wars*, 114. Madut-Arop, *Sudan's Painful Road to Peace,* 114, 246-251. Khartoum set up a new institute called the Peace Development Foundation, ostensibly further the 'Peace From Within' campaign. Members were to be recruited from the south, and were required to demonstrate that they were recent converts to Islam and supporters of the regime's Islamist agenda. They were also to provide evidence through 'words and deeds' that they opposed the SPLA. In return, Khartoum would send funds for members to establish their own branches of the Peace Development Fund in towns throughout the south, as well as introduce them to the southern political hierarchy. In practice, this amounted to another form of political patronage by the

examples are listed of NIF-favored candidates taking governorships in the south, and treating the state budgets as largesse.[189]

Under the guise of better coordinating these southern militias, the government sought to marginalize the leading southern figures in these units by making them clients, methodically sapping their autonomy. By the mid-1990s, the so-called secessionist movement seemed to discard even the possibility of secession, with the apparent willingness of Lam Akol's movement, a primary breakaway faction of the SPLA, to settle for self-government within Sudan.[190] In the new organization, Reik Machar's forces were divided into units which were taken out of his chain of command.[191] Eventually Machar consented to a token degree of federalism in an Islamist Sudan, betraying his initial separatist goal entirely. By 2001, his movement was ideologically exhausted and irrelevant.[192]

To Khartoum, the militia factions were useful tools to put political pressure on the SPLM/A. By signing various peace agreements with them and demanding their presence at negotiations with the SPLM/A, Khartoum could give the appearance of faithfully pursuing peace efforts staving off international pressure. However, when

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government. The author cites the example of Arop Acier Akol, who was appointed Regional Minister of Agriculture in Bahr Al-Ghazal. After converting to Islam, he became governor of Warap state in eastern Bahr Al-Ghazal. As a result of this patronage system, administration of the south under the NIF regime eventually became devoid of meritocracy; being an Islamist who opposed the SPLA was the primary requirement.

[189] Madut-Arop, *Sudan's Painful Road to Peace,* 350-352. The government interferred in the elections in Unity State in Bentiu because it preferred Paulino Matiep's party for the governorship to Riek Machar's. Matiep violently ejected Machar's candidate from the state and the oil regions generally. Machar's hesitancy in condemning the government for its intrusion led to the disintegration of his party. The government backed Matiep militarily to the point that he captured and destroyed Machar's headquarters in Upper Nile Penninsula, prompting a response from Machar's faction. Khartoum's main interest was controlling the stability of the south and dividing southern opposition.

[190] Lesch, *The Sudan: Contested National Identities*, 160. ICG, "Sudan: Towards an Incomplete Peace," 24. Akol would return to the SPLA in 2003.

[191] John G. Nyuot Yoh. "The Politics of Alliances Among Sudanese Stakeholders in Post-War Sudan." *The Sudan Peace Process: Challenges and Future Prospects*, Ed. John G. Nyuot Yoh and Eddy Maloka. East Lansing, Michigan: Michigan State University Press, 2005, 90-91. "Raising the Stakes: Oil and Conflict in Sudan," 35. Johnson, *The Root Causes of Sudan's Civil Wars*, 126. Abdelwahab El-Affendi. "The Impasse in the IGAD Peace Process for Sudan: The Limits of Regional Peacemaking?" *African Affairs* 100 (2001), 593.

[192] Johnson, *The Root Causes of Sudan's Civil Wars*, 175. Johnson, interview. Lesch, *The Sudan: Contested National Identities*, 164-165. Yongo-Bure, interview. Collins, "Civil Wars in the Sudan," 1789. Madut-Arop, *Sudan's Painful Road to Peace,* 298-300. The author lists eight breakaway SPLA factions which were at one time or another in the 1990s supported by Khartoum. Many of them signed the Khartoum Peace Agreement of 1997. ICG, "Sudan: Towards an Incomplete Peace," 24. Michael Kevane. "Sudan: 2001-2002. From war to the possibility of peace in the south and then to new conflict in Darfur." Chapter prepared for *African Contemporary Record* (December 2004), 6. Machar returned to the SPLA after reconciliation talks in Nairobi in May 2001. Petterson, *Inside Sudan: Political Islam, Conflict, and Catastrophe*, 232. Machar became disillusioned with his arrangement with the government, leaving his position in December 1999. He rejoined Garang's SPLA in January 2002.

the Bashir regime became more serious about a negotiated peace after 2001, it did not seek to include separatist elements, most of which had collapsed or returned to the SPLA by that point anyway.[193] The tactical maneuvering by the government to work with smaller separatist factions against the SPLM/A locked Khartoum into setting standards which would later be cited at Machakos.[194] In 1997, the government met with several factions who united under the umbrella militia organization the South Sudan Defense Force (SSDF). The government agreed to allow a four-year interim period, preceding a referendum under which the south could opt to secede from Sudan.[195] This treaty had short-lasting impact, but set a precedent by which the SPLM/A could bargain for a similar six-year accommodation in the July 2002 Machakos Protocol.[196] When Khartoum finally began to make peace with the only substantial insurgent movement in the south, the SPLA, this proposal which the government had already agreed to was introduced again.[197]

THE NIF REGIME, THE BANKING SYSTEM AND COMMERCIAL PATRONAGE

The patronage networks established by various regimes are key in determining which sections of society support the state and which oppose it. The division of wealth, particularly in an impoverished state, is therefore a fairly strong indicator of how warring elites seek to appease their base by codifying wealth sharing arrangements in an agreement. One of the primary economic issues of contention concerning wealth in the Naivasha peace process also touched on cultural issues: the banking system. According to the Wealth Sharing Agreement, the parties would have two banking

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[193] HRW, "The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan," 20.

[194] Lobban, interview. Woodward, *US Foreign Policy and the Horn of Africa*, 119. Woodward notes the 'overlapping points' of failed peace agreements which, taken with the government's endorsement of IGAD's Declaration of Principles, provided a foundation for later SPLA demands such as secularism and southern self-determination.

[195] *Khartoum Peace Agreement*, 1997, Chapter Four. Patrick Orr. "Sudan: Report on Consultative Mission." *The University for Peace – Africa Programme.* 12-16 May 2002, 9. Johnson, *The Root Causes of Sudan's Civil Wars*, 121, 126. Madut-Arop, *Sudan's Painful Road to Peace,* 287. Alfred Sebit Lokuji. *Hazards in the Power Sharing Aspects of the Comprehensive Peace Agreement during the Interim Period in the Sudan.* Waterloo, Onario, Canada: Project Ploughshares, 2006, 10. Ibrahim, interview. Ibrahim notes that the significance of the KPA was not its inclusiveness or longevity, but the fact that it was the first instance of the NIF regime, or indeed any northern regime, in giving in to the longstanding southern demands of division of oil wealth and southern self-determination.

[196] *Machakos Protocol*, 2002, Part B. Lokuji, *Hazards in the Power Sharing Aspects of the Comprehensive Peace Agreement during the Interim Period in the Sudan*, 1.

[197] *Machakos Protocol,* 2002, Section 3.5.

systems, an Islamic one in the north, and a branch of the national bank in the south which practiced conventional banking.[198] The accord contains no equivalent in the AAA, as the rise of Islamic banking did not occur until the early 1980s. For the ruling National Congress Party to compromise on the issue was a major concession. Control of finance had been an early goal of the Islamist regime, and one of the most important ways in which the new regime would seek to realign Sudan to its patronage network.

The first experiment with Islamic banking in Sudan, initiated under Nimeiri in the early 1980s, was crude and poorly executed. In his most dramatic and destabilizing move, at one point the president ordered all banks to immediately cease charging interest, regardless of the effects such a sudden move would have on the Sudanese economy.[199] Actions such as this were meant to show the president's extreme piety but simply demonstrated how detached he was from urban Sudanese society. The destabilizing move had 'affected prejudicially the lifestyles of the commercial bourgeoisie more than other social groups: government encouragement of Islamic banking frustrated the economic undertakings of some businessmen.'[200] Nimeiri had thus alienated himself from the wealthy, conservative business sector in the vital riverine area of Sudan, hastening the collapse of his regime.

The Muslim Brothers would not make the same mistake. Their involvement with Saudi Arabia's Faisal Islamic Bank helped speed their rise to prominence in the late 1970s, and their experience in that area led to them becoming favored in administrative positions and as legal advisors in their own country.[201] Turabi realized

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[198] *Wealth Sharing Agreement*, 2004, Sections 14.1 and 14.2.

[199] Jendia, *The Sudanese Civil Conflict: 1969-1985*, 155. Khalid, *Nimeiri and the Revolution of Dis-may*, 289. Khalid writes that Nimeiri's financial advisors cautioned against such a move, noting that even a wealthy state such as Saudi Arabia had not succeeded in moving to work entirely outside the conventions of the international banking system for fear of a bank collapse, but the warnings to the president went unheeded.

[200] Timothy Niblock. "The Background to the Change of Government in 1985." *Sudan After Nimeiri*, Ed. Woodward, Peter. London: Routledge, 1991, 39. Jendia, *The Sudanese Civil Conflict: 1969-1985*, 155-56. In addition, Nimeiri's Islamization of banks also interfered with the ongoing IMF program to improve Sudan's finances. Sudan's inability to pay back IMF debt ended its ability to take out loans. US pressure on the IMF allowed the regime temporary respite.

[201] Sidahmed, *Politics and Islam in Contemporary Sudan*, 208. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 96-97. James D. Fearon and David D. Laitin. "Violence and the Social Construction of Ethnic Identity." *International Organization* 54:4 (Autumn 2000), 867. Sikainga, "Northern Sudanese political parties and the civil war," 87. Hartwig Euler. "Human Rights in Sudan: Islamic State and Cultural Diversity". Missio. Pontifical Mission Society, 2005, 26. Deng, *War of Visions: Conflict of Identities in the Sudan*, 464. Al-

firsthand in this period what a powerful potential alliance this could be for a narrowly-based, highly organized political party. With funding from Islamic banking, Turabi's Islamists could bolster their own press organizations, attacking figures and policies detrimental to their cause.[202] Upon his removal from Nimeiri's tottering regime in early 1985, Turabi first formed the National Islamic Front in a gesture to appeal to conservative Sudanese disillusioned with Nimeiri's handling of the Sudanese economy.[203] The new party was a coalition between urban Islamists and tribal and popular figures determined to defend the Islamist gains made under the late Nimeiri regime from secular forces.[204] The coalition favored stability over democracy. Military gains made by the SPLA against the Transitional Military Council regime in the mid-1980s, and Sadiq Al-Mahdi's subsequent government, disillusioned conservative businessmen with the return to parliamentary politics. As the insurgency spread into the north in the late 1980s, the Nuba had also joined the SPLA in destroying large mechanized agricultural schemes, angering local merchants who demanded a stronger government that could protect their investments. This class formed a base for the NIF *coup* of 1989.[205]

Upon its rise to power, the NIF-backed junta sought to establish close ties to the business and finance community.[206] A key stated goal of the new regime in 1989 had been to maintain control over the economy, both to reassure the public and international investors after the erratic economic policies of the parliamentary era,

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Mubarak, *Turabi's "Islamist" Venture*, 56-57. Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 3. The Muslim Brothers were banned from organizing in Saudi Arabia, but were active in Islamic banking throughout the Gulf and were able, after National Reconciliation, to establish contacts with Saudi investors and influence how they invested in Sudan. Mahmoud, "The Machinery of Economic Management," 105. The Faisal Islamic Bank, unlike other banks in Sudan, was not subject to the profit tax, while its employees were exempt from income taxes.

[202] Woodward, *US Foreign Policy and the Horn of Africa*, 33. O'Fahey, interview.

[203] De Waal, *Islam and Its Enemies in the Horn of Africa*, 81. Dalal Mohamed Rajab. "Naivasha Peace Agreement: Analysis and Evaluation Part I." *Respect* 2 (March 2006), 9. Timothy Niblock. "The Background to the Change of Government in 1985." *Sudan After Nimeiri*, Ed. Woodward, Peter. London: Routledge, 1991, 39. Nimeiri finally broke with Turabi and his Islamists in early 1985, in keeping with his wariness to rely on independent-based support. Sidahmed, *Politics and Islam in Contemporary Sudan*, 211. The Islamists were by 1984 positioning themselves to take over from Nimeiri when he died or in a palace coup. Aware of this, Nimeiri struck first, making a sweeping series of arrests. However, the Islamists were the last organized political faction behind the regime, and with no other sector to rely on it started to founder.

[204] Hamdi, *The Making of an Islamic Political Leader*, 6. Al-Shahi, interview.

[205] Suliman, "Civil War in Sudan: The Impact of Ecological Degradation," 22. Kok, *Governance and Conflict in the Sudan 1985-1995*, 122.

[206] Suliman, "Civil War in Sudan: The Impact of Ecological Degradation," 23. Al-Shahi, interview.

and to insert NIF supporters into crucial economic positions nationally.[207] Turabi in the early 1990s gave an Islamist rationale to his support for free markets, noting 'the state is the guardian of social justice, rather than the proprietor of the economy.'[208] This rhetoric wed his ideological, economic and political goals by reassuring wealthy Arab investors, especially from Saudi Arabia, that their investments would be free from government interference. Arab investment in turn helped give domestic legitimacy to a young regime with a narrow base of support. By 1991 the regime was considered more financially reliable by the International Monetary Fund than the government it had overthrown.[209] Eventually the economy stabilized and Sudan was able to achieve impressive growth for a wartime economy, even before oil came online in 1999.

The Bashir junta, as had the May Regime, sought to enhance its own system of patronage at the expense of the traditional sectarian parties.[210] The NIF began its assault on the foundations of sectarian support even before the 1989 *coup*. The aggressive expansion of Islamic banking into rural areas throughout the 1980s cut into the role of traditional money lenders, whose reliance on high interest rates had historically kept rural borrowers heavily in debt, while benefiting the sectarian

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[207] "Raising the Stakes: Oil and Conflict in Sudan," 44. De Waal, "Sudan: international dimensions to the state and its crisis," 7. Euler, "Human Rights in Sudan," 26. Within a decade of its coup, the NIF regime had monopolized primary economic sectors such as banking, telecommunications, and agriculture. Profitable enterprises were transferred from the state to NIF supporters, who also received exclusive access to import/export licenses.

[208] Burr and Collins, *Requiem for the Sudan,* 307. ICG, *God, Oil and Country,* 216. Petterson, *Inside Sudan: Political Islam, Conflict, and Catastrophe*, 116. Despite its free market pretensions, the patronage economy required regular maintenance throughout the 1990s. During the years in which the Bashir regime was finalizing its relations with international oil companies, it often relied on Islamist NGOs and business ventures. Such enterprises were exempt from taxes or even subsidized by the state. Islamist businessmen with access to weapons, such as Osama Bin Laden, were exempt from serious government intrusion in their affairs in return for aiding Khartoum's war efforts. Bashir also exempted Bin Laden from taxes or inspection of imports.

[209] De Waal, "Sudan: international dimensions to the state and its crisis," 7. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 106. Other reforms made were the abolishing of the urban bread subsidy and the devaluation of the Sudanese currency. Euler, "Human Rights in Sudan," 27. Inflation in Sudan by 2005 had fallen by 90% since 1991, and the Sudanese dinar has stabilized against the US dollar. Maundi, Zartman, Khadiagala and Nuamah, *Getting In: Mediators' Entry into the Settlement of African Conflicts*, 149. Once Arab aid ceased, Sudan would again fall behind in payments by 1993. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 105. In part because of its anti-Western maneuverings in the early 1990s as well as the delay in results to its liberalizing measures, the Sudan and the IMF would remain at odds with each other until the late 1990s.

[210] Lee J. M. Seymour. "The Oil-Conflict Nexus in Sudan: Governance, Development and Statebuilding." *Money Makes the War Go Round: Transforming the Economy of War in Sudan.* Maison International, Brussels, 12-13 June 2001, 14. Al-Shahi, interview.

factions to whom these merchants were often aligned.[211] Upon assuming power, the regime took control of trading and agriculture from businessmen and landlords who had been supporters of the traditional sectarian parties.[212]

The regime rapidly sought to spread its base of support in the first few weeks of its control. The merchant class, tired of the instability that had marked the democratic period, wanted 'strong government', and could be relied on as long as its economic prospects improved.[213] Early NIF supporters 'display[ed] the social and political characteristics of Islamists in other states with large Muslim populations, and include members of the urban intelligentsia, students at the University of Khartoum, small-business owners discontented with the ties of bigger business to the traditional political parties, and lower-class elements suffering economic hardship.'[214] Consequently, the NIF regime immediately began privatizing large areas of the public sector, often allowing small businessmen with Islamist connections first chance to buy.[215] While this contributed to the collapse of many basic services in peripheral areas of the north, such as Darfur and the Beja Hills, it consolidated NIF power in the central riverine areas so crucial to a new regime seeking to stabilize itself.[216] Soon the

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[211] Gurdon, *Sudan at the Crossroads*, 69. Suliman, "Civil War in Sudan: The Impact of Ecological Degradation," 23. The Islamist movement had traditionally been urban-oriented, with a pronounced anti-rural bias.

[212] ICG, *God, Oil and Country,* 35. Al-Shahi, interview. Peter Woodward. "Nationalism and Opposition in Sudan." *African Affairs* 80:320 (1981), 383. Niblock, "The Background to the Change of Government in 1985," 35. Al-Mubarak, *Turabi's "Islamist" Venture*, 116. Lesch, *The Sudan: Contested National Identities*, 142. The Mirghani family was targeted in part for its opposition to NIF policies in the late 1980s parliamentary era. In 1991, Khartoum confiscated Mirghani property and assets, and abolished the *Khatmiyya* Sufi order in 1992. Lesch, *The Sudan: Contested National Identities*, 156. Throughout early 1993, Sudanese security forces arrested 70 Umma members and hundreds of affiliated Ansar cadres throughout the countryside. ICG, *God, Oil and Country,* 48. By the early 2000s, Mirghani was under pressure from the Egyptian government to make a deal with Bashir as his rival, Sadiq Al-Mahdi, had done.

[213] Suliman, "Civil War in Sudan: The Impact of Ecological Degradation," 22.

[214] Harvey Glickman. "Islamism in Sudan's Civil War." Haverford College. Haverford, Pennsylvania. 15 March 2000.

[215] Biong Kuol Deng. "The Legal Implications of the Sudan Peace Process: Interpretation of the Texts of the Agreements," *The Sudan Peace Process: Challenges and Future Prospects*, Ed. John G. Nyuot Yoh and Eddy Maloka. East Lansing, Michigan: Michigan State University Press, 2005, 116. Al-Mubarak, *Turabi's "Islamist" Venture*, 116. Abdel Salam Sidahmed and Alsir Sidahmed. *Sudan: The Contemporary Middle East.* London: Routledge, 2005, 107-109, 126. In some cases, as with the Abu Ne'ama Kenaf Project, no bid contracts were sold at cheap prices. Parastatals sold off from the early 1990s onwards were generally acquired by Islamist businessmen. 'Heavy taxation, sudden changes in regulations, and executive controls were imposed to drive other competitors from the market.' Abdel Salam Sidahmed and Alsir Sidahmed. *Sudan: The Contemporary Middle East.* London: Routledge, 2005, 131-132. Privatization of state services also reduced the impact strikes or other employee disorder might have upon government operations. ICG, "Sudan: Towards an Incomplete Peace," 11. This process continued throughout the late 1990s and early 2000s, as the NCP has created 'security companies' – often exempt from state taxes and custom taxes – to sub-contract business to its supporters, and consolidate its economic dominance.

[216] Deng, "The Legal Implications of the Sudan Peace Process," 116.

NIF would begin giving tax breaks to businesses that contributed to the 'jihad' against the south.[217]

The exclusivist nature of Islamic banking could also be easily grafted onto a nationwide patronage system. Islamic banks created a system whereby finances could be used to support a tightly-controlled Islamic project. An individual seeking a loan from an Islamic bank was generally required to provide references from other businessmen better established with that bank.[218] Domestic businessmen, even those with deep allegiances to the sectarian parties, sought to align themselves with the Bashir regime simply to remain competitive.[219] Islamic banking has been a difficult instrument for the state to relinquish. Two years after the CPA was signed, Islamic banks were still prevalent in the south, and the conventional banking institutions set up for the region by the agreement remained weak.[220] The CPA stipulated the formation of a Bank of Southern Sudan as a subdivision of the Central Bank of Sudan. The southern branch would provide conventional banking services for the South, while the central bank operated as an Islamist bank. In this way, the preferred cultural and religious identity of both parties to the CPA were recognized as legitimate, if only for their respective regions of influence. The southern bank's continued subordination to the Sudan's central bank, which maintained control over national monetary policy, was in keeping with Khartoum's desire for a unitary bank in Sudan.[221]

REGIONAL ADMINISTRATION AND THE PATRONAGE SYSTEM

Integration of Sudan following the AAA was a result of the increased importance of personal relationships over modern institutions. This situation compromised the effectiveness of the south's regional autonomy, and of regionalization generally.

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[217] ICG, *God, Oil and Country,* 104.
[218] Deng, *War of Visions: Conflict of Identities in the Sudan*, 174.
[219] Al-Shahi, interview. Al-Shahi compares Bashir's National Congress Party, to the Sudan Socialist Union of the 1970s, noting that it commands no ideological respect. For entrepreneurial Sudanese, it is simply 'where you go to get rich.'
[220] Luka Biong Deng. "The Sudan Comprehensive Peace Agreement: Will It Be Sustained?" *Civil Wars* 7:3 (2005).
[221] Osman Antwi-Boateng and Geraldine Maria O'Mahony. "A Framework for the Analysis of Peace Agreements and Lessons Learned: The Case of the Sudanese Comprehensive Peace Agreement." *Politics and Policy* 36:1 (2008), 153.

Throughout the Bashir regime as well, Khartoum's extension of its patronage network dictated removal of individuals it considered untrustworthy and replacing them with regime loyalists. On the understanding that a successful implementation of the CPA would involve some degree of restoring the Native Administration system, Khartoum stepped up its effort to recreate that system in accordance with its own interests.[222] The centralized nature of the Sudanese state has made a serious devolution of power very difficult to achieve in Sudan historically. Instead, the central government seeks out select factions to patronize, at the expense of other parties. The continued promotion of informal, exclusive relationships to administer Sudan, as opposed to functioning modern bureaucracies, ultimately undermined the integrity of the AAA, a reality not ignored by southern rebels during the CPA process.

One of the most effective ways both Nimeiri and Bashir were able to implement their patronage system was through making drastic changes to regional administration. In 1971, Nimeiri sought to abolish the traditional Native Administration, replacing it with the Sudan Socialist Union (SSU), the nation's only legal party. Throughout his rule, he showed a lack of interest in integrating the south into the national administrative structure, an early sign that the AAA was simply to serve as an exclusive coalition, not a tool to bring about further national integration. Bashir used a similar method of dependent regionalism, allowing the term of 'federalism' in reference to de-centralized government for the first time. Throughout the CPA negotiations, the SPLM/A would attempt to secure guarantees for a legitimate federal system, based on the states and structures Bashir had created to advance his own patronage system.

Native Administration began as collaboration between the early imperialists and regional tribal leaders. Though it was seen as feudal and backward by late colonial administrators and nationalists alike, dismantling the institution in the north would prove more difficult than ending the Southern Policy. The Marshall Report of 1949

[222] Justice Africa, 23 February 2005. In the weeks following the signing of the CPA, Khartoum became intensely involved in the tribal politics of Native Administration in south Darfur, replacing the Fur *Madgum* of Nyala and created a new nazirate for the Ma'aliya in a campaign to intimidate neighbors who had remained neutral in the conflict.

presented a foundation for modern democratic local government in the Sudan, dismissing the Native Administration policy as a hindrance to good government.[223] Dependence on central administration had never been discontinued in the south, however, making even a cosmetic switch to local government difficult.[224] Native Administration would continue in some capacity until well beyond independence, primarily because the allegiance the tribal leaders had to the various sectarian factions made it a useful administrative tool for the sectarian leaders.

Diminishing the power of local chiefs is often a priority of new regimes in Africa, who see such leaders as rivals to their authority. As the leader of the first post-colonial regime in Sudan without the backing of the sectarian movements to whom these local leaders were often loyal, Nimeiri's move to abolish Native Administration was therefore an obvious maneuver.[225] Native Administration, which had empowered tribal elites with most administrative, economic and judicial authority, was held in particular disdain by the May Regime's modernist technocrats, who were most adamant in persuading Nimeiri to end the system.[226] In its place, the Sudan Socialist Union was created in January 1972 to be a modern coordinator of local government.[227] It had been a cause championed by the communists early in the regime, but Nimeiri very early on recognized its political potential in addition to its administrative usefulness. The organization took years to assemble and was only fully operational by 1974, long after the communist faction which had envisioned it

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[223] Woodward, *Sudan, 1898-1989: the Unstable State*, 77. The report recommended that Sudan replicate the British system and devolve powers to a distinct second autonomous tier of government, local government, operating parallel to central government. A ministry of local government would serve as an administrative link between the two levels. The report anticipated the Local Government Ordinance of 1951, the basis for local administration for the next two decades.

[224] Woodward, *Sudan, 1898-1989: the Unstable State*, 78.

[225] Herbst, *States and Power in Africa*, 173. Douglas H. Johnson. "The Sudan People's Liberation Army and the Problem of Factionalism." *African Guerrillas*. Ed. Christopher Clapham. Oxford: James Currey Ltd, 1998, 67. Johnson writes that Native Administration remained in the south after it was abolished in the north, with government-appointed chiefs exercising both executive and judicial authority. These chiefs also performed tax collection, recruitment to the SPLA, relief distribution and settlement of disputes under traditional law.

[226] Khalid Ali El-Amin. "Eastern Sudan Indigenous Conflict Prevention, Management and Resolution Mechanisms." *African Security Review* 13:2 (2004). Johnson, interview. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 99-100. O'Fahey, interview. Johnson, "The Sudan People's Liberation Army and the Problem of Factionalism," 68. The SPLA was less dependent on local customs than the Anya Nya, but still retained chiefs within their hierarchy to borrow from their authority in matters such as disciplining soldiers from a chief's local area. Francis Mading Deng, *Africans of Two Worlds: The Dinka in Afro-Arab Sudan.* New Haven, Connecticut: Yale University Press, 1978, 192. The reliance on traditional rule was not abolished in the south, however.

[227] Khalid, *The Government They Deserve*, 257. Daly, "Broken bridge and empty basket," 5. Deng, *War of Visions: Conflict of Identities in the Sudan*, 20.

had been removed from the regime.[228] Nimeiri, however, did not wait for its implementation to reap the political benefits of the apparatus, and expanded his regime's social control over tribal and sectarian leaders in the north by using the SSU as a conduit to distribute state resources.[229]

The SSU's primary role as a political rather than administrative tool became most apparent when it is observed that, like Native Administration under the British, the organization was to play no real role in the south, where it had little presence outside urban centers.[230] In fact, the AAA somewhat reinstated a form of Native Administration with its reliance on chiefs' courts.[231] This decision was not without merit, as customary law allows more flexibility than codified law. Therefore it was considered suitable for small, often illiterate tribal communities, even if it was less useful on a large scale and opened the government up to charges of anti-modernism.[232]

Nevertheless, the abolition of Native Administration in the north alone had unintended, adverse effects concerning national integration. The disparity between north and south after the conclusion of the AAA meant that chiefs in Bahr Al-Ghazal now found themselves without any direct counterparts with whom to communicate in Kordofan and Darfur.[233] A council for the coordination between regional and central governments was created on 10 May 1973, and presided over by the well-respected

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[228] Woodward, *Sudan, 1898-1989: the Unstable State*, 149.

[229] Ahmed Mustafa Al-Hussein. "Regionalisation: Devolution and national integration in the southern Sudan." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 108. Al-Shahi, interview. Khalid, *The Government They Deserve*, 259. Khalid writes how the SSU represented over time the worst elements of a one-party system, where idealism and reformism gives way to ideological inertia and patronage politics. "Nationalism, Federalism and Self-Determination in a Multi-Polar Sudan," 3. The act creating the local government system which the SSU was meant to play a primary role in was an administrative mechanism that was never implemented correctly. This was primarily because local government did not have access to a financial base by which it could function at optimum, and development in the countryside was so poor that the most qualified administrators avoided serving there if possible.

[230] Woodward, *Sudan, 1898-1989: the Unstable State*, 150.

[231] *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of the Sudan*, Articles 11i, 11ii, and 11iii. Johnson, interview.

[232] Al-Shahi, interview.

[233] De Waal, "Some comments on the militias in contemporary Sudan," 145. Johnson, interview. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 140. The abolishment of Native Administration in the early 1970s, coupled with the desertification and drought of the mid-1980s and the resulting economic slump, increased tensions along the north-south line. It 'created more incentives for tribal conflict and removed the means for its resolution.' The state could have intervened to take the place of the traditional mediation forum, tribal reconciliation councils, but instead it sought to take sides in the conflicts, arming Arab-aligned factions in their war against southerners.

First Vice President, General Baghir, but it was only continued until a reorganization in February 1975.[234] This finalized the standing relationship between the south and Khartoum: the region was not linked to the center via the SSU or the National Assembly so much as the faith of southerners in Nimeiri to personally protect their interests.[235] As under the early British governors general, personal relationships were more important than modern institutions. By the late 1970s, the new, SSU-centered pyramid system was already collapsing across northern Sudan. In marginalized areas of the north such as Kordofan, Darfur and the East, the dysfunction of the People's Local Government Act of 1971 often led to *de facto* re-establishment of Native Administration which had supposedly been abolished by that act.[236] Northern local government councils, more than regional institutions in the south, were both financially and democratically depleted institutions. Efforts for further decentralization which could have been focused on these regional government and local councils were instead focused on the south, which had relatively free institutions.[237] Nimeiri's decentralization of the north had been for the political objective of consolidating his rule after the *coup* attempts of the mid-1970s. Having achieved this goal, he now redirected the resources necessary to fund the devolved northern institutions towards the south, where he would need the funds for the further redivision of the Southern Region.[238]

The SSU served almost as a microcosm of the decay of the May Regime. Nimeiri's hostility to institutions which were not reliant on his patronage undermined a system which was already fragile. While these new structures superficially seemed to advance devolution of central power from Khartoum, they actually increased the president's personal power by putting him at the top of the pyramid which was grounded in villages and neighborhoods. Nimeiri referred to himself as the 'patron of

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[234] Khalid, *Nimeiri and the Revolution of Dis-may*, 155.

[235] Woodward, *Sudan, 1898-1989: the Unstable State*, 198. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 303. Deng, *Africans of Two Worlds*, 169-170. Southern reliance on Nimeiri alone to keep the AAA intact was shared by modern and traditional southern elites. Deng quotes several Dinka chiefs in the mid-1970s, including one who states their opinion succintly: 'If Nimeiri goes, we will die.'

[236] Woodward, *Sudan, 1898-1989: the Unstable State*, 155. O'Fahey, interview. O'Fahey notes that Native Administration in Darfur was effectively replaced with nothing, and that by the late 1970s the central government had no real control over the Darfur countryside.

[237] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 212.

[238] Deng, *War of Visions: Conflict of Identities in the Sudan*, 169. Regionalism in the north was initially resisted – there was a fear of the lack of resources to implement it, and of the chance it might foster separatism in places like Darfur. However, Nimeiri saw it as an 'insurance policy' against further coups such as the one in 1976.

local government', but he appointed and dismissed governors so often that the structures could pose no threat to his power, and were therefore rendered ineffective.[239] As a result, the SSU eventually became an arm of the patronage system, in which professional advancement could only be achieved by acquiescing to central demands.[240] The size alone of the organization impeded its effectiveness, as it eventually morphed into a sprawling bureaucracy with no organizing principles and with leaders detached from public needs. This inaction led to a cycle in which more intrusion from the top was necessary to make administration effective. Over time, increased presidential intervention began to undermine even the façade of local and regional involvement, which was ostensibly the primary purpose of the SSU.[241]

The Regional Government Act of 1980, by which Nimeiri divided Sudan into regions that were easier to manipulate, was another tool of patronage. The act was never made part of the 1973 Permanent Constitution, thereby bypassing any critical examination of its legislative qualities by any assembly.[242] In a sense this showed the complete about face the regime had taken since 1971, when Nimeiri condemned the regional system of Native Administration, then discarded as a colonial relic, and sought instead a more centralized, one-party system.[243] There were criticisms nationally of proposals to expand the concept of regionalization to all regions of Sudan. An entire state as devolutionised as the south would be 'one of the most decentralised countries in the world'.[244] However, Nimeiri would retain enough personal power to manipulate the regions as needed: the regionalization system allowed for the national president to choose regional governors, and ignore their

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[239] Khalid, *Nimeiri and the Revolution of Dis-may*, 35. Khalid notes that both the provinces of Khartoum and Gezira had six governors between the years 1971 and 1978.
[240] Sidahmed, *Politics and Islam in Contemporary Sudan*, 119. Al-Shahi, interview. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 380. The SSU was also a vessel through which one could marginalize undesirable politicians by including them in the politburo without giving them any significant authority.
[241] Gurdon, *Sudan at the Crossroads*, 46. Khalid, *Nimeiri and the Revolution of Dis-may*, 60, 71, 155. Wai, "Revolution, Rhetoric, and Reality in the Sudan," 89-90. Wai notes the major weaknesses of the SSU as being that it was poorly organized, which lowered the value of its membership. He quotes Sadiq Al-Mahdi, who joined the regime for a brief period after the 1977 National Reconciliation, as concluding that the SSU should seek vitality from acting more as a modern political party rather than a governing bureacracy. In addition, Khalid cites a 'palace cabal' of Nimeiri's patronage network, which had ingratiated itself with the president, as encouraging him to ignore these earlier institutions of the May Regime. Khalid writes that Nimeiri's indifference on the effectiveness of institutions made him especially susceptible to this kind of influence.
[242] Tier, "A Critical Comparative Analysis of the Processes of Resolving The Conflict in The Sudan," 8.
[243] Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 92.
[244] Mohammed Beshir Hamid. "Aspects of Sudanese Foreign Policy: 'Splendid Isolation', Radicalisation and 'Finlandisation'." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 133.

requests for services if they did not demonstrate loyalty to him.[245] Nimeiri actually had three self-serving reasons for championing regionalization: he wanted to appease other peripheral regions like Darfur and the Nuba Mountains area, he wanted to undermine the power of the national parliament and the central government ministers, and, in the wake of Sudan's declining economic prospects as the 'breadbasket' dream waned, he wanted to shift responsibility for deteriorating services away from himself.[246] Niblock says a further reason for regionalization was to encourage funding for development in the regions, as the IMF-enforced cutting of expenditures precluded all but the most basic development being budgeted nationally.[247] The regionalization project was yet another example of how the devolution of powers by the central government which set a precedent for the CPA were simply part of a long process by which various regimes sought short-term political advantage.

In a trend reminiscent of Nimeiri's redivision of the south in 1983, Bashir's government has shown no reluctance to reconsider the most basic components of regional administration in order to support its patronage system. Instead of an SSU-style party, Bashir would seek to manipulate power throughout the regions by claiming to provide a long held goal of southerners and other Sudanese, that of federalism. Even internal borders were redrawn according to the interests of the regime and its supporters. In 1994, the government divided up Sudan into 26 states, seven of which were in the south. The new provinces created positions of employment for party loyalists and distanced them from the capital, where their proximity to the ruling clique would have allowed them to pressure it ideologically, diluting the regime's patronage network.[248] Borders to the new states were drawn in accordance with the interests of those factions favored by the regime. Like Nimeiri and the Anglo-Egyptian Administration, the regime sought to cement loyalty by

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[245] Malwal, *The Sudan: A Second Challenge to Nationhood*, 23. Malwal cites an example in 1980, when Nimeiri chose el-Tayeb el-Mardi as governor of the Darfur province. This appointment was met with much protest in that region, as the candidate was not himself of Darfur. When he was replaced with the more regionally popular Ahmed Ibrahim Derieg, the new governor was unable to gain access to Nimeiri in Khartoum to ask for assistance for his ailing province, he therefore quit the governorship in protest.

[246] Khalid, *Nimeiri and the Revolution of Dis-may*, 206. Niblock, "Numayri's Fall: The Economic Base," 39.

[247] Niblock, "Numayri's Fall: The Economic Base," 39.

[248] Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 82. Schüepp, *To Make Unity Attractive,* 17. Kok, *Governance and Conflict in the Sudan 1985-1995*, 129. Daniel Awet Akot. "The imperative of decentralization." *Peace by Piece: Addressing Sudan's Conflicts* Accord, 18 (2006). London: Conciliation Resources, 2006, 77. "Nationalism, Federalism and Self-Determination in a Multi-Polar Sudan," 3-4.

taking advantage of Sudan's vastness, redirecting the political involvement to the local level, with regional and subregional groups each competing for favors from the central state. The regime was even willing to compromise its supposedly revolutionary Islamist objectives by resurrecting institutions previously regarded as imperial relics to sustain the patronage system over sectarian factions. In the mid-1990s, Khartoum formally re-established a council of Native Administration in each state.[249] Paradoxically, this now meant that tribal leaders were authority figures in an ostensibly 'modern' Islamic state. The NIF needed these leaders to gain legitimacy from local elites, and to isolate the traditional sectarian parties.[250]

The inability or simple reluctance of various northern regimes to hold elections in the warring parts of the state has enhanced the patronage system by legally excluding residents of rebelling areas from the democratic process, under both parliamentary and authoritarian regimes. For example, the 1986 parliamentary elections were not held in many southern constituencies because of the inadequate security situation at the start of the second war. Similarly, the Bashir regime excluded as eligible voters who lived in rebel-controlled areas.[251] As of 1999, journalists were only authorized to quote 'those parties that agreed to sign the Register of Political Associations', which excluded popular parties such as Umma and the DUP. These new laws were designed and had the intended effect of splitting these exiled sectarian parties.[252] Factions would return to Sudan to compete in elections, or more accurately, vie for the patronage of the ruling NCP.

An SPLM/A partisan argument is that the failure of Sudan's attempts at regional autonomy or federalism has less to do with the deficiencies of each particular system than with the very centralized structure of Sudan itself, which is not amenable to any administrative forms of power-sharing. The system by which elites control the state is a 'structural injustice' not easily alleviated.[253] However, even the NIF/NCP's

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[249] Lesch, *The Sudan: Contested National Identities*, 127. El Amin, "Eastern Sudan Indigenous Conflict Prevention, Management and Resolution Mechanisms." Johnson, interview.
[250] Lesch, *The Sudan: Contested National Identities*, 127. Al-Shahi, interview.
[251] Heather Deegan. "Structures of Government in the Islamic Republic of Sudan: The Question of Legitimacy and the 1998 Draft Constitution." *The Journal of North African Studies* 4:1 (March 1999), 97.
[252] Deegan, "Structures of Government in the Islamic Republic of Sudan," 99.
[253] Kok, *Governance and Conflict in the Sudan 1985-1995*, 15.

opportunistic model of federalism set a new norm for the construction of the Sudanese state, which had traditionally been a centralized system. The Islamist regime had set a precedent in that it accepted the legitimacy of regional control. As Sidahmed notes, 'Now that federalism has been instituted – albeit inadequately – reverting to a unitary state looks almost impossible.'[254] Consequently, further divisions of territory and devolutions of power were also possible, as the final CPA would prove.

BREAK UP OF TURABI/BASHIR COALITION FACILITATES THE CPA

An important factor creating an environment in which the CPA could be concluded was the stabilization of a regime that had for a decade revolved around two power centers, the Islamists and the military. Bashir was able to remove the most significant challenge to his rule, that of Turabi, and was therefore able to engage with southern rebels and international mediators without significant fear of contradiction or reprisal from within the regime. The tensions between Bashir and Turabi that ultimately led to the most significant schism in the regime in 1999 were based primarily around the degree to which the military-Islamist coalition should stay revolutionary or become more pragmatic and conservative. Turabi believed the Islamic project should be progressive in nature, and consistently pressed for the regime to become less authoritarian throughout the 1990s. His concept of revolution was to begin with a military vanguard, which would eventually cede power to civilian institutions as the revolution spread. By the end of the decade, he declared it was time for liberalization, and spoke of reinstituting some basic civil liberties and other political reforms. Bashir may have felt this was unrealistic, but he also recognized the process as a threat to his own power.[255] It was this tension which eventually broke the civilian-military Islamist coalition. As president, Bashir had maintained good relations with the military, his most crucial base of support.[256] As it became clear in December 1999 that Turabi, as speaker of the assembly, was about to use that body to legislate Bashir's powers out of existence, loyalist forces surrounded the legislative

[254] Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 61.
[255] ICG, *God, Oil and Country*, 36. Woodward, interview.
[256] Interview by author with Kazim Omer, Canberra, 2009.

building and Turabi was dismissed as speaker.[257] Even though the Islamists had successfully been able to infiltrate the army over decades, the military would not allow Islamist civilians, with their vision of a network of militias dominating Sudan's state security, to take over completely.[258] Turabi had overestimated the appeal of his Islamist vision among key sectors of the Sudanese establishment.

However, the tensions which led to the schism were not simply personal or factional, but also ideological. By 2001, the regime had lost its revolutionary fervor. It could block democracy and peace in the south, but could not achieve its larger goals. Had its rigid Islamism fewer contradictions this might not have been the case, as regime opposition was divided and weak.[259] However, as time wore on, Bashir felt he had to remove the ideological element of his regime. Turabi's revolutionary project was not compatible with the pragmatic nature of Bashir's vision of a rentier state, which prioritized stability.[260]

Bashir's tack towards pragmatism even drew support from former Turabi acolytes. In the 1990s, security head Ali Osman Taha had been a high-profile Turabi loyalist, attempting to replace the traditional tools and institutions of the state with Islamic ones. After a decade, he concluded that this was not possible: the regime remained unstable and the war was not being won. He consequently decided that Islamists had to become more pragmatic about transforming the state, adhering to already-established Islamic laws but scaling back Turabi's broader revolutionary vision.[261] The failure of Islamic finance networks was another incentive for Taha and his successor as security head, Salah Abdullah Gosh, to switch camps from Turabi to

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[257] Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 270-271. Petterson, *Inside Sudan: Political Islam, Conflict, and Catastrophe*, 227. El Obeid, *Chronique Politique du Soudan 2003*, 30.

[258] Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 271. Al-Mubarak, *Turabi's "Islamist" Venture*, 15. Al-Shahi, interview. Woodward, interview. De Waal, *Islam and Its Enemies in the Horn of Africa*, 41. By 1999, Turabi had begun initiatives which even Islamist officers found objectionable, such as his revision that year of the Sudanese military code so that it conformed with Islamist principles.

[259] De Waal, *Islam and Its Enemies in the Horn of Africa*, 1.

[260] William Reno. "Economies of war and their transformation: Sudan and the variable impact of natural resources on conflict." *Money Makes the War Go Round: Transforming the Economy of War in the Southern Sudan.* Maison International, Brussels, 12-13 June 2001, 2. Woodward, interview. Omer, interview.

[261] De Waal, August 2005. Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 56. ICG, *God, Oil and Country*, 39. "Raising the Stakes: Oil and Conflict in Sudan," 27. Woodward, interview.

Bashir. Scandals had undermined Islamic banks and charities by the late 1990s, and the security cabal speculated it would be easier to make money through state institutions directly.[262]

Bashir's consolidation of power versus Turabi removed one of the key impediments to a peace process: the duelling power centers within the regime. Bashir was hardly more moderate than Turabi, but his ability to negotiate and make concessions would not be undermined once he was the undisputed leader of the government. With Taha as his Vice President he also had enough control over security institutions to ensure opponents could neither undermine a peace process or his leadership.[263] The new arrangement began showing dividends almost immediately on an international level, as demonstrated by US special envoy John Danforth agreeing in 2001 to help negotiate a cease fire in the Nuba Mountains, a precursor to a wider peace in the south.[264]

The schism between Turabi and Bashir led to a related a dramatic realignment of partnerships and coalitions among Sudan's elites. The first came with a rift within the PDF, encouraged by Turabi's denunciation of the conflict as a false jihad. Turabi had cultivated ties with pious peoples in the more remote areas of the north, and now powerful leaders of such tribes as the Misseriya and Rizeigat, formerly participants in the jihad against their southern neighbors, began discouraging young men from joining the militias.[265] The Turabi/Bashir split weakened the government somewhat,

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[262] De Waal, "Sudan: international dimensions to the state and its crisis," 8. Dagne and Everett, "Sudan: The Darfur Crisis and the Status of the North-South Negotiations," 4. Al-Mubarak, *Turabi's "Islamist" Venture*, 82.

[263] Woodward, interview. Omer, interview. Ted Dagne and Bathseaba Everett. "Sudan: The Darfur Crisis and the Status of the North-South Negotiations." *Foreign Affairs, Defense and Trade Division of the Congressional Resource Service*, Issue Brief for Congress. 22 October 2004, 4. The defeat of the army at Al-Fashr in 2003 by Darfur rebels caught Bashir and his generals offguard and gave Taha and the security services a chance to push the army to the side, at least in regard to conflict in Darfur. Sharif, interview. Sharif says that Turabi miscalculated that intelligence agencies would be loyal to him, but shared concerns for security and stability meant that civilian agencies backed the military-focused Bashir in his power struggle with Turabi.

[264] De Waal, "Sudan: international dimensions to the state and its crisis," 17. Francis Kornegay. "Regional and International Dimensions of the Sudanese Peace Process," *The Sudan Peace Process: Challenges and Future Prospects*, ed. John G. Nyuot Yoh and Eddy Maloka. East Lansing, Michigan: Michigan State University Press, 2005, 60. Danforth was an American dignitary with some esteem in Africa because of his work on anti-apartheid legislation in the US.

[265] Salmon, "A Paramilitary Revolution: The Popular Defence Forces," 23. Justice Africa, 15 November 2004. After being dismissed in December 1999, Turabi initially demanded his followers also step down from their government positions. He later reconsidered and asked them to keep their jobs, but work for his objectives 'from inside'. ICG, *God, Oil and Country*, 43. Over his decade with the regime, Turabi personally vetted many of the

but this was amplified by the fact that Turabi would now continue the pattern of alienated northern politicians in the second war by seeking reconciliation with the SPLM/A. Throughout 2000, Turabi transformed himself into an outspoken advocate for representative democracy throughout Sudan.[266] His ultimate rebuke of Bashir came in February 2001, when he signed a Memorandum of Understanding with the SPLM/A declaring that an Islamic state could not be created without an Islamic society.[267] In June 2003, SPLM/A representatives met with Turabi in London, and Garang met with sectarian leaders Sadiq Al-Mahdi and Mohammed Osman Mirghani in Cairo, affirming an allegiance to secular law. Turabi's Popular Congress Party at this point announced its support for the principles of the Machakos Protocol, thereby diffusing the possibility that Islamists who did not agree with the peace process would be a serious threat to it.[268]

However, Bashir faced pressure to retain *Sharia* law in the face of protests from urban Islamists who were also a chief faction of the PDF, and who would likely abandon his regime were he to compromise on Sharia.[269] Bashir became constrained from supporting a more moderate position because he drew most of his support from this group, who were better positioned than the remote tribal militias to pose serious challenges to Bashir's leadership if they felt he was being too conciliatory.[270] The resurgent debate over the role of religion in the state became a delicate issue after the Machakos Protocol in 2002, when Khartoum was forced to find common ground with the militantly secular SPLM while seeking to mitigate outrage from the regime's urban Islamist base.[271] Bashir therefore shunned a major public role in the negotiation

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recruits for high-level army and police positions, giving him a substantial body of loyalists there. ICG estimated that at least half the student movement was also sympathetic to Turabi, and many of them were armed.

[266] De Waal, *Islam and Its Enemies in the Horn of Africa*, 109. Turabi was removed as Secretary General of the National Congress Party in May 2000, but Bashir resisted putting him in jail for fear of inciting riots among his large group of urban followers. These followers later regrouped as the Popular National Congress, then the Popular Congress Party.

[267] De Waal, *Islam and Its Enemies in the Horn of Africa*, 110. El-Affendi, "The Impasse in the IGAD Peace Process for Sudan," 594. Petterson, *Inside Sudan: Political Islam, Conflict, and Catastrophe*, 227-228. In the declaration, Turabi and the SPLA agreed on self-determination for southern Sudan and cooperation in resistance to the Bashir regime.

[268] Agence France Presse, "Sudanese Opposition offers compromise on Islamic law for Khartoum." 8 June 2003: 3. International Crisis Group. "Sudan Endgame." 7 July 2003, 9. Ibrahim 2009, interview. Omer, interview. El Obeid, *Chronique Politique du Soudan 2003*, 33.

[269] Salmon, "A Paramilitary Revolution: The Popular Defence Forces," 32.

[270] De Waal, *Islam and Its Enemies in the Horn of Africa*, 245. Al-Shahi, interview.

[271] Woodward, *US Foreign Policy and the Horn of Africa*, 127. The Machakos Protocol had only been agreed to by the government under the pressure of heavy international involvement and a deadline. It effectively reiterated

process to avoid being drawn into taking a premature stance on delicate issues such as the status of *Sharia* law in the capital.[272] He sought instead to present himself as operating at the behest of the Sudanese people in his defense of religious law throughout the north.

THE NATIONAL DEMOCRATIC ALLIANCE AND THE CPA

The National Democratic Alliance, the broadest umbrella network of anti-government organizations formed during the second war, contained a broad cross-section of Sudanese society. For negotiations to occur between this coalition of dissidents and the government might have seemed a natural circumstance. However, in the tradition of Sudanese conflict, the government sought to weaken the movement by luring elements back into its patronage system. Partially as a result of its weakness, the NDA played almost no direct role in the IGAD process. However, once it had been rendered ineffectual, Khartoum was content to allow some of its members and supporters to attend the process as observers.

The NDA was initially united in 1989 simply by its shared hostility to the new dictatorship.[273] It did not gain cohesion until the mid-1990s, partly because the sectarian parties believed the narrowly-based regime in Khartoum would eventually be forced to negotiate with the broadly popular factions which it had overthrown. Accordingly, they waited several years before reconciling completely with the SPLM/A.[274] In December 1994, the Umma Party and the SPLM/A signed an agreement between each other in which they endorsed such tenets as secularism and self-determination for the south, something no northern party had done up to that point.[275] After an initial period of wariness, the NDA and SPLM/A took steps to work

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the Declaration of Principles, with concessions made by the SPLA away from a secular state and by Khartoum away from a Sudan that was united under any circumstances.

[272] Justice Africa, 7 June 2003.

[273] ICG, *God, Oil and Country,* 18, 21. Woodward, interview. Rogier, *No More Hills Ahead?* 25. Yongo-Bure, interview. Yongo-Bure notes that Garang joined the northern exile groups as part of his strategy to weaken the government. 'Garang's idea is not to push people into enemy territory.' It was by making multiple alliances, getting all the important northern factions to consent to southern self-determination, that Garang was able to pressure the government to do the same.

[274] Johnson, *The Root Causes of Sudan's Civil Wars*, 103.

[275] Euler, "Human Rights in Sudan," 46-47. Johnson, *The Root Causes of Sudan's Civil Wars*, 104. Madut-Arop, *Sudan's Painful Road to Peace,* 387.

in concert against Khartoum. Finally, in the Asmara Declaration of June 1995, the NDA united the SPLM/A and fourteen other parties opposed to the NIF regime.[276] It called for a secular state as the only way to ensure Sudan's viability as a unified state, as well as self-determination for southern Sudan.[277] While it had little ideological solidarity, the NDA's very existence demonstrated a measure of inclusiveness, making it the summation of the Koka Dam Declaration and the Sudan Peace Initiative, the peace efforts between the sectarian parties and the SPLM/A which had been drafted in the 1980s. In addition to the united front of opposition to the government, the factions of the NDA initially seemed to compliment each other. The SPLA had a seasoned, dedicated military presence inside Sudan, which the NDA lacked. The NDA provided the SPLM/A with political legitimacy in northern parts of Sudan, and helped the insurgency establish itself diplomatically in the Arab world, most significantly with Egypt.[278] For a period in the 1990s, the group even managed to incorporate insurgents among the Beja, an eastern Sudanese people, against Bashir's regime.[279]

While the regime sought to marginalize the traditional sectarian orders throughout most of the 1990s, it was only the schism between Bashir and Turabi towards the end of the decade that led to a new patronage approach. Bashir had preferred to make a 'national reconciliation' type of deal with the sectarian leadership. As early as 1993, he appeared to determine that, though he could not avoid negotiating with all the regime's enemies, he could try to sway such negotiations towards backstage, bilateral talks in order to make private deals with opposition elites.[280] He was prevented from doing this by Turabi, who sought to keep what he considered an ideological revolution pure and untainted by Sudan's reactionary religious figures.[281] As Turabi

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[276] Benjamin, "The Sudan People's Liberation Movement/Army and the Peace Process," 48. Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 198. Yongo-Bure, interview. Ibrahim, interview. Abdalla and Fancher, *Sudan: Integration or Disintegration*, 91.

[277] Deng, "The Legal Implications of the Sudan Peace Process," 106. El-Affendi, "The Impasse in the IGAD Peace Process for Sudan," 587. An-Na'im and Deng, "Self-Determination and Unity," 16. Young, "Sudan IGAD Peace Process: An Evaluation," 10. Abdalla and Fancher, *Sudan: Integration or Disintegration*, 91.

[278] Sharif, interview.

[279] ICG, *God, Oil and Country*, 94-95. De Waal, *Islam and Its Enemies in the Horn of Africa*, 201-202. John Prendergast and David Mozersky. "Love Thy Neighbor: Regional Intervention in Sudan's Civil War" *Harvard International Review*. 26:1 (April 2004). Johnson, *The Root Causes of Sudan's Civil Wars*, 138.

[280] Lesch, *The Sudan: Contested National Identities*, 174.

[281] Johnson, *The Root Causes of Sudan's Civil Wars*, 104. Johnson, interview. Lesch, *The Sudan: Contested National Identities*, 151. In accordance with his desire to keep the regime on a revolutionary footing, Turabi also

became more outspoken and the role NIF cadres played in the regime became more apparent, the sectarian parties began to oppose the junta even more vigorously.[282]

With Turabi removed from the regime, Bashir felt free to make peace individually with the sectarian leaders.[283] Bashir sought to gain influence among sectarians by returning seized property to those elites who abandoned the NDA and returned to Khartoum.[284] Turabi's Islamic project had removed assets from the Mahdist and *Khatmiyya* factions, but not the allegiances of their rural followers, who were too conservative to follow the NIF's brand of revolutionary Islam.[285] Bashir sought to tempt back the sectarian elites who could appeal to the masses on behalf of the government.

The quickness with which Bashir was able to draw sectarian elites back to Khartoum, once he made it a goal, exposed the decline of sectarian power inside Sudan and eventually impinged on their credibility within the NDA movement. Both *Khatmiyya* and Umma members demonstrated that they were capable of being lured back to Khartoum to be inducted into the Bashir regime's patronage network, and several sectarian elites joined the government in the early 2000s.[286] The NDA simply had too

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preferred to keep the traditional sectarian leaders in exile status, both to attack their credibility as authentic Sudanese leaders and to destroy their connections to the base of their movements. Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 98, 279. After particularly large demonstrations against the government erupted in September 1995, Khartoum approached Umma leaders in exile seeking a power-sharing agreement, but Al-Mahdi rejected the offer as insubstantial, which did not even include a concession as token as a guaranteed cabinet position for Umma in the government, and rededicated himself to the NDA exile group. O'Fahey, interview. O'Fahey says that Al-Mahdi's main opposition to the NIF's exclusive interpretation of an Islam-based Sudanese nationalism would give southerners no incentive to stay in Sudan and would cause problems with non-Arab Muslims of the west in Darfur.

[282] Lesch, *The Sudan: Contested National Identities*, 190. Sidahmed, *Politics and Islam in Contemporary Sudan*, 99. Lesch, *The Sudan: Contested National Identities*, 142. As with the Islamic Charter Front before it, the NIF had disdain for Sufism since it did not follow their more rigid approach to Islam. Consequently, though many Sufis initially welcomed the NIF regime's staunch backing of Islamic law, they turned against it as time went on.

[283] Ibrahim, interview. Petterson, *Inside Sudan: Political Islam, Conflict, and Catastrophe*, 231. Bashir reached agreements with both Al-Mahdi and Al-Mirghani after the schism with Turabi. Al-Mahdi returned to Khartoum in March 2000. There was no return to democracy, however and the December 2000 elections were widely seen as illegitimate.

[284] Seymour, "The Oil-Conflict Nexus in Sudan," 14.

[285] Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 79. ICG, "Sudan: Towards an Incomplete Peace," 14. Al-Shahi, interview. Ibrahim, interview. Ibrahim notes that traditional Islam in Sudan is deeply felt, but not ideologically deep. As a result, inconsistencies between theory and behavior are constant. He cites Beja Congress members who drink alcohol, yet repeatedly vote to uphold bans on alcoholic drinks.

[286] Woodward, interview. Leonardi, interview. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 77 and El-Affendi, "The Impasse in the IGAD Peace Process for Sudan," 593. In accordance with its tendency to affirm new norms through new coalitions, Khartoum in November 1999 signed a new accord with the Umma party called 'The Call of Homeland Declaration', endorsing such concepts as southern self-determination,

many inconsistent factions with too many different interests to be a viable party for negotiations with the government, which did not seek to reach a settlement with the organization until it had already done so with its most formidable member, the SPLM/A.[287] In addition, though the sectarian parties which comprised the NDA had the allegiance of many throughout northern Sudan, the allegiances were no longer deep enough that they could organize their followers politically from their positions in exile. Most northerners were not looking to join the SPLA in the war against the government, but simply wanted little to do with the war at all.[288]

As a result of their powerlessness, Khartoum was able to control the sectarian parties with respect to the exclusively negotiated CPA. During one of the rounds of Naivasha talks, Khartoum negotiator Ghazi Salahuddin Attabani successfully encouraged Umma and DUP members to attend the negotiations as observers and witnesses.[289] This invitation was perhaps an attempt to pressure factions opposed to the process within the regime to not interfere. On 4 December 2003, Taha met with DUP and NDA leader Ali Al-Mirghani in Saudi Arabia to sign a peace accord, which DUP officials later declared confirmed the NDA's support for the IGAD process.[290]

A primary reason for the NDA's susceptibility to enticement into Bashir's patronage network was the war which broke out between the organization's most prominent

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by then a principle embraced by Umma. Woodward, *US Foreign Policy and the Horn of Africa*, 119. Dean, "Rethinking the civil war in Sudan," 88. ICG, *God, Oil and Country,* 50. The Umma party pulled out of the NDA in 2000, when Sadiq Al-Mahdi returned to Khartoum to join the government. El Obeid, *Chronique Politique du Soudan 2003*, 34. Kevane, "Sudan: 2001-2002," 3, 4. Quickly disillusioned with the regime, Al-Mahdi boycotted the December 2000 elections, as did all other parties. ICG, "Sudan's Dual Crises," 9. By 2002 Khartoum was able to split the Umma party by signing an agreement with a faction led by Mubarak Al-Fadl Al-Mahdi. ICG, *God, Oil and Country,* 48. In October 2001, the brother of NDA chair and *Khatmiyya* head Mohammad Osman Mirghani also left the NDA for Khartoum. Kevane, "Sudan: 2001-2002," 8. The SPLA and NDA members, possibly joined by Eritrean forces, captured territory in Eastern Sudan in October 2002. This move, in an example of how ineffective organization leadership was by this time, was condemned by NDA chair Mirghani.

[287] Woodward, interview. International Crisis Group. "The Khartoum-SPLM Agreement: Sudan's Uncertain Peace." 25 July 2005, 3. The government and the NDA signed a Cairo Declaration in June 2005, in which the NDA supported the new constitution and sought to improve its mandated quota of representatives in the new assembly.

[288] Yongo-Bure, interview. Yongo-Bure speculates this indifference is why the government engaged in such recruitment tactics as plying young Sudanese to join the Popular Defense Forces with the promise of university enrollment. Omer notes that the Umma party's support for the organization did not mobilize Ansar warriors against the government, as those cadres looked to the *Mahdiyya* movement more for spiritual guidance than political organization.

[289] ICG, "Sudan: Towards an Incomplete Peace," 13.

[290] ICG, "Sudan: Towards an Incomplete Peace," 14.

foreign backers, Ethiopia and Eritrea, in May 1998.[291] The war led the SPLM/A to reject forming a confrontational alliance with the NDA against Khartoum, both because the collapse of the NDA as an effective military movement destroyed the SPLM/A's military strategy of opening an eastern front against the regime, and destroyed its political strategy of uniting with northern dissidents to form a New Sudan.[292] At this point the SPLM/A was ready to negotiate with Khartoum to defend its own interests as opposed to those of the disenfranchised in Sudan nationally. However, with the temporary collapse of IGAD as a functional forum, serious mediation would have to wait until the US became directly involved in the peace process in 2001.[293] The general unreliability of the sectarian factions was another incentive for the SPLM/A to seek to negotiate one-on-one with the national government, finally abandoning its long-held goal of a constitutional conference involving all sectors of Sudanese political society.[294] Ironically, the pressure these factions put on the Bashir regime also benefited the SPLM/A. In the first war, and in the resulting peace, the south was unable to form coalitions with other dissident factions. Nimeiri was successfully able to keep opposition isolated. The SPLM/A's message of unity allowed it to reach out to other dissident factions and avoid being marginalized as the Anya Nya and southern separatists in the second war had become.[295]

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[291] Ronen, "Ethiopia's Involvement in the Sudanese Civil War," 119-120. Ibrahim, interview. Ibrahim, a former NDA commander in Eastern Sudan, states that the Ethiopian-Eritrean war 'broke the back' of the NDA as a cohesive military and political movement.

[292] Telephone interview by the author with Richard Barltrop, London, 2009. Barltrop notes that SPLA members he had talked to were dismayed at how little other National Democratic Alliance members provided to the eastern front in relation to the SPLA: 'We provided uniforms, radios, soldiers, Umma party provided nothing!' Madut-Arop, *Sudan's Painful Road to Peace,* 393-394. One reason for the lack of recruits to the NDA might have been poor leadership. The author submits that Al-Mirghani lacked the charisma and political skill of a leader such as John Garang, and was therefore unable to inspire the DUP members and affiliates in the *Khatmiyya* order to leave Sudan *en masse* to join the insurgency. (He lacked the charisma and political skill of John Garang, for example.). The author also believes that the NDA made a mistake by not allowing Al-Mahdi to head the NDA once he left Sudan to join it in 1995. As the deposed prime minister, Al-Mahdi would have had international prestige by leading the government-in-exile, supported by nearly every element of Sudanese society. However, neither Al-Mahdi nor Al-Mirghani were able to get significant members of their respective sects to join the movement.

[293] Woodward, *US Foreign Policy and the Horn of Africa*, 99.

[294] Woodward, interview. Garang, *John Garang Speaks*, 132, 145.

[295] Lobban, interview.

THE CPA CHALLENGE TO EXCLUSIVIST COALITIONS

The participants and mediators in the IGAD process after Machakos believed the sweeping nature of the issues to be covered in the talks had the potential to render the forum dysfunctional with the early inclusion of too many parties. There was also a fear that leaks and ulterior agendas might sink the process if too many parties were involved.[296] Instead, the IGAD mediators made it clear during the Naivasha process that they saw the peace process as a two-step solution, starting with a GOS/SPLA agreement and then bringing in other groups via elections.[297] It was generally understood that the failure of the signing parties after the AAA to progress to this second stage, bringing in other parties to enhance the legitimacy of the agreement, was that agreement's greatest weakness.[298] The 1972 agreement's inability to stabilize the regime meant that only five years later, Khartoum felt compelled to sign a separate agreement with northern exiles, an agreement completely uncoordinated with the AAA. However, the exclusionary tendency of negotiations would continue during the second peace process as well. As talks progressed after Naivasha in 2002, the negotiating delegations on either side began to shrink. After the breakthrough at Machakos, Garang replaced Salva Kiir as lead negotiator, first with Garang loyalist Nihal Deng Nihal, then with himself.[299] Similarly, several observing parties, including the United States, felt that Khartoum's lead negotiator, Ghazi Salahuddin Attabani, was ineffective. Vice President Taha replaced him with Idris Mohammed, than also commandeered the discussions directly.[300]

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[296] "The Sudan-IGAD Peace Process: Signposts for the Way Forward." *African Security Analysis Programme.* Occasional Paper 86, March 2004, 8.

[297] *Power Sharing Agreement*, 2004, section 1.4.6. Fen Osler Hampson and Holly Reid. "Coalition Diversity and Normative Legitimacy in Human Security Negotiations." *International Negotiation* 8:1 (2003), 9. This conflict resolution technique is referred to as 'minilateralism', prioritizing consensus between the dominant parties, then seeking to include minor players. Young, "Sudan IGAD Peace Process: An Evaluation," 12. Young views the Machakos Protocol as a compromise on the broader reaching Declaration of Principles, which made no such arrangement.

[298] "The Sudan-IGAD Peace Process: Signposts for the Way Forward," 8. Deng, "The Legal Implications of the Sudan Peace Process," 124.

[299] Woodward, interview. Johnson, interview. Interview by the author with Ghanim Atara, Canberra, 2009. Leonardi, interview. Young, "Sudan IGAD Peace Process: An Evaluation," 16-17. Young writes that Garang was concerned that Kiir, generally understood to be sympathetic to the separatist wing of the SPLA, would not negotiate adequately on behalf of the disputed areas: Abyei, South Kordofan, and the Blue Nile states. Garang had wanted these three areas to be included in the text of the Machakos protocol, but this was not done. Johnson, interview. Sumbeiywo also stipulated that the three areas had to be addressed. Khartoum finally relented but insisted that this not be done as part of the Machakos process, only separately.

[300] Young, "Sudan IGAD Peace Process: An Evaluation," 17. El Obeid, *Chronique Politique du Soudan 2003*, 30.

While the talks between elites marked a level of engagement that was difficult to achieve and unprecedented in the history of Sudanese conflict resolution, there was a danger that such contact could perpetuate the exclusive coalition-building which traditionally defined such agreements. The private, bilateral negotiations between Vice President Taha and John Garang beginning in 2003 were not recorded in significant detail.[301] Detailed discussion of human rights violations throughout the history of the war was avoided by both parties and mediators.[302] CPA mediators have stated that the government and the SPLM sought to grant each other a general amnesty concerning such issues, but were discouraged by outside parties.[303] During the Naivasha process, the NDA and civil society organizations were able to pressure the mediators and the two parties, especially the SPLM, for some concessions. The primary area of compromise was on the importance of recognizing the need for an eventual democratic transformation in Sudan.[304] While both parties had started from the position that no elections would be held during the interim period of the CPA, the SPLM/A, under pressure from other members of the NDA and its regional allies, agreed to a compromise in which elections would be held at all levels, including the presidency, before the end of the third year of the interim period.[305] Under the 2004 Power Sharing Agreement, the free establishment of political parties was also

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[301] Yoh, "The Politics of Alliances Among Sudanese Stakeholders in Post-War Sudan," 84.

[302] John Young. "Sudan: A Flawed Peace Process Leading to a Flawed Peace." *Review of African Political Economy* 32:103 (2005), 102. Young surmises this was a result of the absence of any representation of civil society in the negotiations.

[303] Young, "Sudan IGAD Peace Process: An Evaluation," 24. HRW, "The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan," 16. Instead, the CPA includes a clause calling for a reconciliation process to be a task for the new government, but avoids a general amnesty such as that which was included in the AAA. *Addis Ababa Agreement: Protocol on Interim Arrangements*, Chapter III, Article 1. *Power Sharing Agreement*, 2004, section 1.7.1. Antwi-Boateng and O'Mahony, "A Framework for the Analysis of Peace Agreements and Lessons Learned," 169. The authors write that past abuses during the war were not covered under the final agreement because the elites realized their personal conduct might have been a focus. Instead, the agreement stated more vaguely that 'the parties agree to initiate a comprehensive process of national reconcilation and healing throughout the country as part of the peace-building process.'

[304] Young, "Sudan: A Flawed Peace Process Leading to a Flawed Peace," 112. "The Sudan-IGAD Peace Process: Signposts for the Way Forward," 7. Al-Shahi, interview. Schüepp, *To Make Unity Attractive,* 20. Lokuji, *Hazards in the Power Sharing Aspects of the Comprehensive Peace Agreement during the Interim Period in the Sudan*, 16. Lokuji speculates that it was only war fatigue and the promise of elections that prevented NDA members from seeking to sabotage the CPA. Young, "Sudan IGAD Peace Process: An Evaluation," 20, 23. Pressure from civil society organizations on the IGAD process was minimal, primarily because Khartoum estimated that it would ultimately take the SPLM line on thorny issues such as secularism and democracy.

[305] *Power Sharing Agreement*, 2004, sections 1.8.3 and 2.3.7. Justice Africa, 7 January 2005. Lokuji, *Hazards in the Power Sharing Aspects of the Comprehensive Peace Agreement during the Interim Period in the Sudan*, 16. Young, "Sudan IGAD Peace Process: An Evaluation," 30. NCP negotiator Ghazi Salahuddin Attabani began pushing for elections immediately after the signing of the Machakos Protocol, seeing an advantage over the SPLA, which would be poorly organized in comparison to the highly organized governing party. By contrast, southern elder statesman Abel Alier urged that elections not be held soon, as it would upset the peace process. Eventually both parties saw an advantage to holding quick elections.

formally allowed.[306] Despite Garang's alleged authoritarian tendencies and exclusion of other SPLM/A mediators during late-stage negotiations, it was in the SPLM/A's long-term interest to keep the *results* of negotiations as inclusive as possible, particularly with regards to the concerns of southerners and residents of areas on the north-south border. This was in order to prevent the national government from inducting certain elements of the south into its patronage system as militias, the tactic Khartoum had used both in the aftermath of the AAA and in the second war after the 1991 SPLA split. The SPLM/A tried to counter this possibility by allowing a small amount of non-SPLM/A southerners in the Regional Assembly, and by attempting to induct southern militias into the SPLA proper.[307]

Sumbeiywo says that as talks became more intense between the parties, negotiations became more private, often conducted solely between Taha and Garang. However, Sumbeiywo was employed as a middleman to protect them from the interference of outside parties seeking to have more of a presence than they felt was necessary at the negotiations.[308] Rather than trying to exclude Sumbeiywo, at times both parties attempted to involve him more than he believed appropriate: 'Early on the parties started wanting me to produce papers for both parties, so that they could attribute it to the Secretariat, claiming it wasn't their position. They were concerned about their people back home accusing them of selling out.'[309]

The resurgence of civil society in the 2000s also made keeping the CPA process exclusive more difficult than in previous agreements. The Bashir regime had spent most of its rule attempting to neutralize civil society's political impact, efforts which reached their peak in the early 1990s.[310] The nascent civil society that had emerged

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[306] *Power Sharing Agreement*, 2004, Section 1.4.6.

[307] *Power Sharing Agreement*, 2004, Section 3.6. Before elections, the SPLM was to dominate the assembly of the Government of South Sudan with 70% of the seats, the NCP was allotted 15% and other southern parties the remaining 15%.

[308] Lazaro Sumbeiywo. "The Mediator's Perspective." *Peace by Piece: Addressing Sudan's Conflicts.* Accord 18 (2006). London: Conciliation Resources, 2006, 26.

[309] Sumbeiywo, "The Mediator's Perspective," 27.

[310] Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 9. For example, during this period the well-respected Sudanese Bar Association began to protest recently introduced martial law courts. Accordingly, Bashir sought to neutralize it by appointing a chief justice to impose an Islamic judicial system on the state, using criminal and civil courts for national security cases. Lesch, *The Sudan: Contested National Identities*, 135. The judiciary was also compromised. By mid-1991 Bashir had fired 128 judges and legal advisors, targeting those who had gone on strike to protest the military courts. They were replaced by

from the parliamentary era of the 1980s became the regime's target as, from 1989 to 1992, NIF security forces oppressed various guilds and associations in search of NDA sympathizers.[311] The Bashir junta sought to erode the robust civil society which had existed in Sudan up until the 1980s by replacing trade unions with new welfare and issue-based organizations. These new organizations lack the political role and power of the old trade unions and therefore are less able to influence the IGAD process, even though they are often supported by international development agencies or the government.[312] The government's heavy-handed tactics increased the likelihood of a backlash against it, but also allowed Khartoum a free hand in its war policy, foreign policy and more discretion on how it enforced *Sharia* law.[313]

By the end of the 1990s, tensions had begun to thaw. Political parties were effectively allowed to participate once again in the assembly, though this freedom was partially suspended during the regime infighting in 1999 when Turabi used the new liberalization to push for further reforms.[314] This tension led to a more substantial easing of restrictions on political activities after a decade of authoritarian Islamist rule. Opposition groups and the local media began pushing harder for more liberal reform.[315] By the signing of the Machakos Protocol in mid-2002, civil society in the north was slowly re-emerging after over a decade of arrests and crackdowns on

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'unqualified, fanatic individuals, often with little or no legal training at all' according to a former bar arssociation figure. Rajab, "Naivasha Peace Agreement: Analysis and Evaluation Part I," 10. Lesch, *The Sudan: Contested National Identities*, 145-146. The government closed newspapers which criticized regime leadership or policies, even those owned by NIF members. By mid-1996, there were only two newspapers, both government owned, operating daily. Young, "Sudan IGAD Peace Process: An Evaluation," 23. Young notes that by the start of the IGAD process in the early 1990s, most NGOs in the north were already instruments of the government.

[311] Maundi, Zartman, Khadiagala and Nuamah, *Getting In: Mediators' Entry into the Settlement of African Conflicts*, 147. Kok, *Governance and Conflict in the Sudan 1985-1995*, 94.

[312] Hassan Abdel Ati. "Untapped potential: civil society and the search for peace." *Peace by Piece: Addressing Sudan's Conflicts.* Accord 18 (2006). London: Conciliation Resources, 2006, 68.

[313] ICG, *God, Oil and Country,* 15. Johnson, *The Root Causes of Sudan's Civil Wars*, 100. Kok, *Governance and Conflict in the Sudan 1985-1995*, 108, 175. Lesch, *The Sudan: Contested National Identities*, 149. In retaliation against such early state oppression by the regime, trade union activists joined together in October 1989 to form the nucleus of the NDA, which came to consist of 51 banned unions and twelve political parties. Rajab, "Naivasha Peace Agreement: Analysis and Evaluation Part I," 10. Kok, *Governance and Conflict in the Sudan 1985-1995*, 94, 104. Banning trade unions was one of the earliest acts of the Bashir junta. The NIF had retained a particular antipathy for the unions and was quick to marginalize them. The regime would often set up its own replacement unions, such as for the Farmers Union of the Gezira and Manaqil, but would dissolve them as soon as it was discovered that they were ineffective and difficult to control, further destabilizing civil society. Unions such as the Sudanese Bar Association Steering Committee were not recognized abroad by other Arab legal associations, limiting their effectiveness.

[314] Schüepp, *To Make Unity Attractive,* 18. Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 65.

[315] ICG, "Sudan Endgame," 22.

independent organizations and activists.[316] Intense public interest in the peace process would provide another avenue for the resurgence of civil society in the north, to the government's dismay. An example was the Sudan First Forum, a group of civil society leaders, politicians, and academics formed in mid-2002 to evaluate the Machakos Protocol, recommending their own proposals to the two parties and the mediators. Its purpose was to ensure that the peace process was not entirely mediated by foreign bodies without the firsthand influence of Sudanese intellectuals. In April 2003, the government disbanded the group's initiative.[317] Churches and local NGOs were also excluded from the process as much as possible, as the junta wanted full control over the peace process.[318] However, throughout 2003 and 2004, bolder pushes by non-Islamist candidates in the larger unions and associations forced the government to reassert control.[319]

Bashir continued to solidify his power over the NCP, even after his alliance with Turabi ended, and after he had established a new coalition with the SPLM/A. At its April 2005 internal council, the NCP elites removed any doubt that Bashir was in charge of the party, recommending replacing autonomous positions in the party, such as that of the Secretary General, with deputies loyal to Bashir. This move was to ward against attempts to subvert presidential leadership as Turabi had attempted in the past and continued to via his connections to various civil society organizations.[320] The regime has also sought to suppress Turabi's Popular Congress Party, blaming it for repeated *coup* attempts in 2004 and connecting it to the uprising in Darfur against

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[316] ICG, "Sudan Endgame," 27. Kevane, "Sudan: 2001-2002," 18. Throughout 2001 and 2002, newspapers were plagued by arrests, seized printers, fines and other forms coercion by the government.
[317] ICG, "Sudan Endgame," 27.
[318] Ulf Terlinden and Tobias Debiel. "Deceptive Hope For Peace? The Horn of Africa Between Conflict Diplomacy and Obstacles to Development." Peace, Conflict & Development 4 (April 2004), 13. Richard Cornwell. "Peace in Sudan: Who Will Pay the Price of Principle?" *African Security Review* 13:3 (2004). Ati, "Untapped potential," 70. Ati also concludes that civil society influence on the Naivasha process was meager, and suspects that one of the reasons this was not addressed was because 'other IGAD countries shared similar views to Sudan on the roles and rights of civil society, whose engagement in briefings and informal sessions was only made possible after the wider international community became involved.'
[319] International Crisis Group. "Sudan's Dual Crises: Refocusing on IGAD." 5 October 2004, 7-8. In 2003, sectarian-aligned students had success in defeating Islamist candidates for office in the prestigious student union at the University of Khartoum, the regime began to organize against this potential threat. In August 2004, elections were held for positions in the Medical Association and the Journalists' Union, but the deadlines for registration and voting were only disseminated to regime supporters, causing other members of these professional organizations to boycott in protest.
[320] International Crisis Group. "A New Sudan Action Plan," 26 April 2005, 5.

the government.[321] This charge, combined with the SPLM's relative inability to pressure its new partner, has allowed Khartoum to exclude Darfur rebels from the Naivasha process.[322] In addition, Khartoum has been able to rely on oil revenues to increase its patronage to the central riverine area so crucial to regime support.[323]

To avoid situations in which the peace agreement is slowly undermined, as it was throughout the 1970s and early 1980s by the Nimeiri regime, the power sharing agreement makes it clear that the new constitution for the government of national unity is to be subordinate to the CPA and the 1998 constitution. Where laws in the interim constitution were found to conflict with the CPA, the latter was given precedence. The constitution is also required to be an instrument of the legal implementation of the CPA.[324] This arrangement is the opposite of the AAA, which was made part of the 1973 constitution and had no priority over administrative structures in existence before its signing, such as the Sudan Socialist Union. The Addis Ababa meetings, unlike the Round Table Conference of 1965, were closed to press and radio: only delegates, advisors and observers were admitted.[325]

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[321] HRW, "The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan,"15. Interview by the author with Alex Donato, Canberra, 2009. Woodward, *US Foreign Policy and the Horn of Africa*, 130. The Darfur uprising of 2003 is at least tangently connected to the success of the IGAD peace process: the Sudan Liberation Army's militancy at that time was at least partly in order to be included in a national peace settlement in which some of Darfur's grievances could be addressed.

[322] HRW, "The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan," 27. Jon Bennett. "Joint Assessment Mission provides road-map for peace." Sudan: Prospects for Peace. Eds. Marion Couldrey and Tim Morris. *Forced Migration Review* 24 (November 2005), 11. The Darfur insurgency may be a factor in the government's hesitancy to endorse any general statement noting that Sudan's problems stem from a consistent 'marginalization' of remote areas. Bennett notes that in the Joint Assessment Mission reports drafted to oversee the implementation of the CPA, the government cautioned against such 'historical analysis', arguing that such language was abstract and would make the agreement more difficult to 'sell' to the NCP's constituency. Donato, interview. Donato notes that many southerners are now apathetic towards the insurgency in Darfur against Khartoum: 'Many in the south sarcastically say "let them fight", because when we were fighting, they were fighting [on the side of] the Arab people.' O'Fahey, interview. 'Darfuris also had prejudice about southerners, and would not just fall in line behind Garang.' Lobban, interview. Traditionally, much of the 'rank and file' of the Sudanese army had been composed of troops from Darfur, while the officer corps came from the central riverine area. Bøas and Dunn, "African Guerrilla Politics: Raging Against the Machine?" 11. The authors note that to make the economic-determinist theory the only valid explanation for why wars are started is as short-sighted as to suggest that ethnicity is the sole motivator.

[323] Omer, interview. Omer explains that the shortages of basic food commodities which defined life in the north during the war no longer exist. Atara, interview. Atara describes the expansion of development to the regions since the war, with dam-building efforts, electricity brought to rural areas. In addition, there is much more development in Khartoum. Lobban, interview. Lobban stresses the involvement of the Chinese in post-war development, noting that Bashir has now brought more development to Sudan than any other post-colonial leader: more dams, roads and power throughout the central area of Gezira, Khartoum and to the north.

[324] *Power Sharing Agreement*, 2004, sections 2.12.5 and 2.12.9.

[325] Beshir, *The Southern Sudan: From Conflict to Peace*, 125-126. Wai, *The African-Arab Conflict in the Sudan*, 154.

For the duration of the war, most civil administrative and law enforcement positions in SPLA-controlled territory were occupied by former soldiers in the insurgency. It was rare that such positions would be merit-based and open to civilians. As a result, civil administration management was 'highly personalised, and extremely hierarchical and militaristic'.[326] As the second war progressed, the SPLM was also forced to take into account the needs and opinions of civil society to better administer regions under its control. This process continued during the peace process when workshops such as the one held in Rumbek during November-December 2002 united senior administrators, community representatives and NGOs in a dialogue on topics such as civil administration, health, education, and law enforcement.[327] The SPLM was able to use the feedback generated from this type of gathering to assess what the foundation for administration might look like in a post-war environment. In this way, the insurgency was also able to determine what to push for in a peace settlement, even if it did not allow broad elements of civil society to participate directly in that settlement.[328]

THE DECLARATION OF PRINCIPLES AND THE MACHAKOS PROTOCOL: FROM NEGOTIATING FRAMEWORK TO PRACTICAL IMPLEMENTATION

The Machakos Protocol represented a more practical re-evaluation of the Declaration of Principles that had been concluded eight years previous. It was a necessary document in the process to move negotiations forward after what had been a dangerous period of impasse. The IGAD process had reached a stalemate by 2000, after a round in which mediators essentially delivered a statement to the parties which paraphrased the Declaration of Principles without adding anything significant to them, the SPLM/A issued a 26 September 2000 letter in which they noted that a more

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[326] Peter Blunt. "Governance Conditions, Roles and Capacity-Building Needs in the Rebel-Held Areas of Southern Sudan." *Public Administration and Development* 23 (2003), 133-134. Blunt argues that this can alienate civil administration from the needs of local communities, particularly because there is little central funding, which encourages corruption.

[327] Blunt, "Governance Conditions, Roles and Capacity-Building Needs in the Rebel-Held Areas of Southern Sudan," 128.

[328] Luka Biong Deng. "The Sudan CPA: A Framework for Sustainable Peace and Democratic Transformation of Sudan." Address to the US Congressional Subcommittee on Africa and Global Health. 24 January 2007. SPLA member Deng noted in 2007 that the level of services had increased in the interim period after the CPA, mainly due to humanitarian assistance. By 2007, there was better access to social services in the south than during the war, and even before the war.

significant commitment to southern self-determination would have to be included than was already stipulated in the Declaration of Principles.[329]

During the 2002 talks at Machakos, Salva Kiir, head of the negotiating team for the SPLM/A, endeavored to find one of the outstanding issues between the parties on which to compromise. The parties could not make progress on the issue of a secular Sudanese state, so Kiir sought an agreement on the issue of power-sharing, but once again, an impasse was reached. It was only on the issue of self-determination that the SPLM/A was able to make a serious breakthrough not already covered in the abstract by the Declaration of Principles, locking in a six-year interim period before a referendum on southern self-determination.[330] In 2006, Sumbeiywo confirmed this when he explained that he had wanted to incorporate the Declaration of Principles into a more specific negotiating text, and sought to address what he felt were the dominant issues of contention: 'self-determination and the separation of state and religion.'[331] Hence, the Machakos Protocol was essentially a reiteration of the Declaration of Principles, except with the exchange of a secular Sudan for a more concrete promise of southern self-determination. This adjustment more accurately and specifically clarified and addressed the parties' interests.

A critic of the ultimate result of the Naivasha process, Young actually divides the IGAD peace process into two parts: the first initiated in 1994 with the Declaration of Principles and the second in 2002 with the Machakos Protocol. Young writes that the early 1990s IGAD initiative tried to realize a broad-based peace agreement that would address the conditions which led to domestic insurgency. When this could not be achieved, the second initiative of the 2000s attempted to disregard such large objectives in favor of a more exclusive agreement 'based on the lowest common concerns of the parties'.[332] This assessment is correct, but it understates the difficulty even of addressing these concerns. Young makes little allowance for the immense difficulty in getting the two primary parties to talk to each other and make

[329] Deng and Khalil, *Sudan's Civil War The Peace Process Before and Since Machakos*, 6. *Declaration of Principles*, 1994, sections 3 and 4.
[330] Johnson, interview. This was relayed to Johnson from Bona Malwal, from a conversation he had with Kiir soon after the Machakos Protocol.
[331] Sumbeiywo, "The Mediator's Perspective," 23.
[332] Young, "Sudan IGAD Peace Process: An Evaluation," 12.

concessions, let alone less militarily powerful parties. There was deep reluctance among the rank and file SPLA towards the possibility of Garang meeting Vice President Taha to negotiate the primary points of the CPA. Except for Salva Kiir and Pagan Amun, all of Garang's advisors and most of the 3000 commanders in Rumbek preferred he not attend the summit. However, Kenyan Foreign Minister Musyoka told the SPLM/A's top officer in Kenya, Justin Yac, that if Garang did not come to Kenya, the SPLM/A delegation would be kicked out of the country. Khartoum could argue that the SPLM/A was not serious about peace negotiations. Without this meeting it was possible the peace process would disintegrate.[333]

Young notes that none of the advisors to the IGAD secretariat were experts on Sudan, nor was Sumbeiywo himself. Instead, their specialty of conflict resolution looked at 'short term fixits' instead of deep-seated structural problems.[334] This accusation seems unfounded, as the advisors were tasked first and foremost with attending to the grievances of the warring parties to the degree that they would cease conflict, a nearly insurmountable objective. In addition, though he was not an experienced diplomat, both parties saw Sumbeiywo as honest. He was also good at applying appropriate pressure on the parties: 'He tried to be assertive on the *process* but leave the *substance* to the parties.'[335] The negotiations should therefore not be judged in comparison to an ideal peace process which has never been undertaken, but instead contrasted with the wreckage of ineffective initiatives, conferences and forums which have marked the second war. By these standards, the IGAD peace process from 2002 onwards was well-organized, flexible, and most importantly, responsive to the demands of the warring parties.

Young also argues that a primary failure of the IGAD process was the marginalization of Daniel Mboya, a Special Envoy to the conflict appointed by Kenya's President Moi prior to Sumbeiywo's mediation. Young believes that Moi did not support Mboya's efforts and did not show sufficient support for the peace

[333] Sumbeiywo, "The Mediator's Perspective," 122-123. Young, "Sudan IGAD Peace Process: An Evaluation," 20. Garang had given a deputy, Justin Yac, a letter to give to Musyoka asking to reschedule the negotiations with Taha, but Yac did not give the letter to Musyoka, instead writing back to Garang that either he return to Kenya or the entire SPLA would be evicted.
[334] Young, "Sudan IGAD Peace Process: An Evaluation," 35.
[335] Haysom, "Reflecting on the IGAD Peace Process," 31.

process during this time. In addition, Young charges that the pre-Machakos IGAD process was underfunded because potential donors felt there was a lack of accountability to the forum.[336] However, there is no reason to believe that increased funding to IGAD during this period would have made regional states any more organized, increased the military capability and coherence of other factions in the NDA or changed the objectives of either warring party. Young quotes Sumbeiywo as admitting that the Declaration of Principles had a 'deeper analysis' of the problems than the Machakos Protocol. However, it is important to note that Sumbeiywo also states that Machakos was 'functional'.[337] In other words, the Declaration was an abstraction and the Protocol was a reality. The process following Machakos was formed around the actuality of specific contested issues.

The flexibility of the mediation in the IGAD process was not conducive to imposing heavy structural changes to the Sudanese state which would address the problems Young points out. However, a less flexible process might not have been as successful. Lane believes that Sumbeiywo's mediation style was effective 'because he was the sole mediator over wealth, power, security and the three areas. He didn't have a large bureaucratic team, he had only a couple of dedicated advisors in the power sharing: the rest were basically resource people brought in *ad hoc* to deal with specific issues, who then departed... Sumbeiywo didn't say, "This is my mediation strategy, step one, step two, step three": he would do whatever worked or looked like it would break the deadlock of the day.'[338] Lane argues that Sumbeiywo remained flexible and 'took different tacks' in mediating if the existing strategy had reached an impasse. By contrast, Lane notes that other mediation processes in Sudan have been less successful. 'When you compare it with subsequent mediations, all of them have been run through bureaucracies with a degree of diplomatic protocol that tended to get in the way of fast changes in tactics. It is difficult to be critical of the AU in the subsequent negotiations on Darfur; they had a much less centralized and more

[336] Young, "Sudan IGAD Peace Process: An Evaluation," 12.
[337] Young, "Sudan IGAD Peace Process: An Evaluation," 44.
[338] Telephone interview by the author with Patricia Lane, Sydney, 2009.

disorganized set of players in the Movements. But there were also a lot of advisors, which in some cases might have reduced flexibility.'[339]

There had been attempts in the 1990s to turn the Declaration of Principles into a more broad-reaching, conciliatory framework for negotiations. Government negotiator Ali Al-Haj had come close to conceding on the issue of southern self-determination as well as some compromise on the issue of *Sharia* during the mid-1990s negotiations, but he was removed from the process and a statement from Khartoum was issued stating such concessions would not be made.[340] It was not for several more years that government would be amenable to such compromises again, when internal restructuring of the regime and pressure from the SPLA and outside actors combined to see the drafting of the Machakos Protocol.

A disadvantage of this analysis of the CPA lies in the assertion that the Machakos Protocol and the following agreements should have been more inclusive. This assessment does not recognize that opponents of the Bashir regime require military capabilities in order for the government to sustain a dialogue with them. As former NDA member Mohammed Ibrahim notes, the government has not negotiated seriously with the NDA because it does not see them as a threat.[341] At a meeting in Cairo in 2003, NDA representatives complained to SPLM/A officials that they did not feel their interests were being adequately represented in the ongoing peace process. SPLA official Pagun Amun instructed the umbrella organization to 'use your stick in the East if you want the government to pay attention to you'.[342] Some NDA affiliates seemed to acknowledge this reality. As the chairman of the Beja Congress, Omer Mohamed Tahir, told ICG in October 2003, after the conclusion of the Security Agreement between Khartoum and the SPLM: 'The lesson we learned is that IGAD and the government will only listen to force. The SPLA were recognized because they resorted to force. This is why we launched our activities in the east.'[343] In addition, the Darfur rebellion was initiated in part due to the resentment felt by

[339] Lane, interview.
[340] Young, "Sudan IGAD Peace Process: An Evaluation," 27.
[341] Ibrahim, interview.
[342] Ibrahim, interview.
[343] ICG, "Sudan: Towards an Incomplete Peace," 18.

marginalized peoples in that section of Sudan at not having their grievances addressed in the IGAD process.[344]

The disunity of the NDA was a key reason for its ineffectiveness as either a negotiation partner or a military force. Omer has described the NDA as a 'soft entity', less than the sum of its parts. He has noted that the movement lacked strategy or planning.[345] This shortcoming was in part a result of the lack of coordination between international supporters of the group such as Egypt, Libya and Eritrea. Each of these regimes was primarily devoted to supporting their preferred individual NDA sub-groups, as Uganda was viewed as primarily a sponsor of the SPLA.[346] As a result, any tensions or disagreements between these disparate states concerning Sudan policy manifested themselves as internal dissent within the NDA.

The most effective NDA theatre in which the SPLA was not heavily involved was in Eastern Sudan, and here its limitations were most obvious. The Beja Congress was the most active anti-government force during the late 1990s, but their insurgency was hindered by a lack of clear political objectives in addition to poor organization and leadership.[347] Furthermore, they were unable to form alliances with non-Beja ethnicities in the east, such as the Hadendowa, who were reluctant to fight other Muslims and were suspicious of the organization's links to the SPLA.[348] Consequently, the NDA had at its height in 1998 approximately 5000 soldiers in East Sudan, a fraction of the SPLA's numbers.[349]

The difference between the Declaration of Principles and the Machakos Protocol seems a vindication for those opponents of the Bashir regime who believed that only

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[344] Barltrop, *The Negotiation of Security Issues in Sudan's Comprehensive Peace Agreement*, 39. Heather J. Sharkey. "Arab Identity and Ideology in Sudan: The Politics of Language, Ethnicity, and Race." *African Affairs* 107:426 (2008), 38. 'Many observers suggest that the political rhetoric of John Garang inspired and emboldened the Darfurian rebels of the Sudan Liberation Army (SLA), whose attack on government garrisons in El Fashir 2003 are said to have precipitated the current violence. Garang extolled the possibility of a 'New Sudan' – a Sudan that would be ethnically pluralistic and socially inclusive, and inherently 'Africanist' rather than 'Arabist'. Darfurian rebel leaders later envied what Garang and the SPLA secured [in the CPA].'

[345] Omer, interview.

[346] Ibrahim, interview. Ibrahim describes Egypt as particularly cautious, attempting to 'hedge its bets' with the NDA, the SPLA, and the Sudanese government.

[347] Collins, "Civil Wars in the Sudan," 1792.

[348] Ibrahim, interview.

[349] Ibrahim, interview.

force could attract the government's attention. As Young has noted, the Declaration of Principles calls for separation of church and state. Machakos only does so for southern regions. Young dismisses the fact that Sudan's ruling junta would not allow a separation of church and state, countering that the NDA has endorsed this concept since 1995 and that that organization represents more Muslims than the ruling National Congress Party.[350] However, the inability of the NDA to pose a sustained military threat to the regime negates the relevance of this truth. The weakness of NDA made it almost irrelevant in terms of fighting for its interests. In addition, a widespread southern apathy towards fighting for the interests of remote northern regions such as Darfur and eastern Sudan was demonstrated in IGAD process.

This represents a longstanding trend in Sudan. Atlas and Licklider note that the AAA and the National Reconciliation contradicted each other, and that the tension could not be resolved. It was indicative of Nimeiri's governing style, 'faced with dangerous enemies he could not defeat, he cut a deal with them'.[351] The IGAD process was an attempt to better synchronize these patronage networks, and, as with the Nimeiri regime, to diffuse the power of the regime's enemies. This is why the CPA cannot be compared to the AAA alone, but must be viewed with an understanding of the 1977 National Reconciliation. Conflict resolution in Sudan must always take into consideration the reality that there are so many parties with differing objectives within the state, the only ones which can be reconciled with are those which pose a threat to the regime. Consequently, factions which have proved militarily ineffective under the NDA and southern militias reliant on Khartoum for patronage have not been granted an equal footing with the dominant parties. This also explains why the period after the AAA and the National Reconciliation are so essential to understanding the 1972 agreement; they are part of the same process in a way. In a sense, they were an unsynchronized forerunner to the relatively synchronized CPA.

El-Affendi disagrees with Young that the CPA does not represent a significant change to Sudan's government, noting that the CPA protocols 'prescribe limits

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[350] Young, "Sudan IGAD Peace Process: An Evaluation," 15.
[351] Pierre M. Atlas and Roy Licklider. "Conflict among Former Allies after Civil War Settlement: Sudan, Zimbabwe, Chad, and Lebanon." *Journal of Peace Research* 36 (1999), 39.

beyond which various tiers of government must not trespass, and individual and group rights that may not be violated.'[352] However, he also notes that 'the agreement is unique in that it has not come about as a result of any major transformation in either the outlook or the relative strength of the major parties. Both parties remain as committed as ever to divergent, even antagonistic visions for the future of the state. Both remain strong enough to seek to advance that vision. Both entertain realistic hopes that the agreement will make them even stronger. Both have hailed the agreement as a victory for their project.'[353]

While analysts such as Young believe the CPA did not seek structural change, in a fundamental way it reflects an entirely different vision of the Sudanese state – one that challenges the principle of the state's very unity. In addition, the agreement challenged the effectiveness of the Sudan's neo-patrimonial networks by allowing the south to create its own autonomous army. This compromise of the monopoly of force in Sudan damages the traditional center-periphery power structure, even if it does not destroy it.

[352] Abdelwahab El-Affendi. "Discovering the South: Sudanese Dilemmas for Islam in Africa." *African Affairs* 89:356 (July 1990), 65-66.
[353] El-Affendi, "Discovering the South: Sudanese Dilemmas for Islam in Africa," 65-66.

CHAPTER FOUR: SECURITY, RESOURCES AND DEVELOPMENT

The role of natural resources was significantly less substantial in the first of Sudan's civil wars than it was in the second. Prior to the 1970s, oil companies had found few opportunities to invest in Sudan.[1] Khartoum realized it had to give oil companies more license to search for oil if it hoped for the discovery of any significant reserves. By the end of that decade, the more relaxed commercial atmosphere and the stability of post-civil war Sudan allowed Western oil companies to discover enormous deposits in the southern central region.[2] Sudan's primary oilfields lie on the boundary of northern and southern Sudan, with the largest reserves in the Upper Nile Province region of Bentiu.[3] This chapter examines the impact which contested natural resources have had on conflict resolution, and the close relationship between security, natural resources and development. The introduction of significant resources into Sudanese conflict has made resolving the second war a much more complex and intricate process than the first, as oil reserves give added emphasis to geography, financing, and even identity. Oil has internationalized Sudanese conflict and added yet another prism through which groups in the conflict view their identity and seek to formalize it.

Some scholars have argued that Sudan's conflict is 'environmentally created', and hence 'the battle over the control of resources... take[s] analytical priority over other factors of race, religion and the African-Arab dichotomy commonly cited as determinants of north-south enmity.'[4] This chapter comes to an opposite conclusion: oil wealth was not in itself incentive enough to lead to the second rebellion, but that it exaggerated ethnic tensions already in existence, which probably prolonged the war. Contrary to some economic determinist theories of conflict, such as the Collier-Hoeffler model's contention that resources lead to ostensibly ethnic/religious civil

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[1] Mansour Khalid. *Nimeiri and the Revolution of Dis-may.* London: Kegan Paul International, 1985, 84. Paul Goldsmith, Lydia A. Abura and Jason Switzer. "Oil and Water in Sudan." *Scarcity and Surfeit, The Ecology of Africa's Conflicts.* Eds Jeremy Lind and Kathryn Sturman. Pretoria, South Africa: Institute for Security Studies, 2002, 222. Benaiah Yongo-Bure. *The Economic Development of Southern Sudan.* Lanham, Maryland: University Press of America, 2007, 76. Before exploration of the south in 1974, oil exploration in Sudan primarily took place on the Red Sea coast and in other parts of Eastern Sudan.

[2] Khalid, *Nimeiri and the Revolution of Dis-may*, 84.

[3] International Crisis Group. *God, Oil and Country: Changing the Logic of War in Sudan.* 10 January 2002, 132.

[4] Goldsmith, Abura and Switzer, "Oil and Water in Sudan," 197.

wars, SPLA objectives in the second war did not appear to be predatory. Resources in Sudan's case may simply have given a more legitimate, quantifiable face to the relatively undefinable marginalization of the south; which southern resistance movements had never been entirely successful at presenting as distinctly southern since marginalization has constantly been a nationwide phenomenon. In the same way SPLM/A elites determined settling for an option to secede from the Sudanese state was more achievable than the New Sudan goal of national revolution, they may have concluded that addressing quantifiable issues such as natural resources was more realistic than addressing fundamental identity differences.[5]

The need to resolve the contest over natural resources with a wealth-sharing protocol not only extended the length of the second war in comparison to the first, but of the second peace process. This was not simply because the division of oil revenue between parties required its own distinct agreement, but because oil impeded such fundamental benchmarks as the implementation of a lasting cease fire during negotiations. The SPLA insisted on fighting throughout the Naivasha process in part because they felt that allowing the government too stable a security situation would also allow it to extract a greater amount of oil from the south before CPA implementation, oil which could be used to purchase arms or support for the war. The government consequently sought to improve its security in the region either by guarding oil fields with its own forces or relying on its proxy militias for the task. The resulting emphasis on security by both parties discouraged integrating individual SPLA insurgents into the national army, as had been done in the AAA with former Anya Nya. Instead, southerners were finally able to extract their longstanding concession of an independent army for the region.

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[5] Lee J. M. Seymour. "The Oil-Conflict Nexus in Sudan: Governance, Development and Statebuilding." *Money Makes the War Go Round: Transforming the Economy of War in Sudan.* Maison International, Brussels, 12-13 June 2001, 18. Seymour notes that the SPLM has understood the symbolic politics surrounding oil, and how they have attempted to use it to advance the southern cause. He describes SPLM efforts during the second war to draw international humanitarian attention to 'blood oil' in the way some West African states have decried 'blood diamonds'. Anthony J. Regan. "The Bougainville Conflict: Political and Economic Agendas." *The Political Economy of Armed Conflict: Beyond Greed and Grievance.* Eds. Karen Ballentine and Jake Sherman. London, Lynne Reinner Publishers, 2003, 156-158. Regan describes a similar inversion in the Bougainville conflict in Papua New Guinea.

Oil wealth also exacerbated the conflict of identity in Sudan by increasing the disparity of wealth throughout the state, thereby aggravating ethnic animosity between haves and have-nots. Creating this tension had been a strategy of the ruling Bashir junta, which uses oil wealth to enhance the patronage system it relies on to run the state, a similar system as the one devised by Nimeiri and previous regimes. In accordance with this reality, in both agreements Khartoum tried to seek and maintain peace by placating southern elites, often with high-ranking jobs or other benefits. However, after the CPA, southern elites would enjoy both a broader power base in the region and a formidable standing army, disrupting the traditional patronage system.

This chapter argues that it is useful to fit the debate over oil and other natural resources into the context of southern Sudan's wider concerns about its own regional development, throughout both wars. Nothing strikes more closely at the sensitive issue of development projects than the Jonglei Canal. An examination of Sudan's debate over oil wealth with respect to this much older project is instructive to understanding southern concerns about development and natural resources. The project also highlights the simple fact that the interrelatedness of development, security and resources allows the potential to misidentify the origins of conflict.

SUDAN'S ECONOMIC PARTNERSHIPS

The premise put for that the start of this chapter that Sudan's oil wealth has not been the dominant contributing factor to its conflicts should not imply that it has been a neutral element in both the perpetuation of the war and the nature of the peace process. However, the government's desire for maximum profits from oil revenues, coupled with the regional need for a level of stability and security for the extraction of oil, has complicated the role of economic partners in the conflict. In addition, the internal politics of these potential partners has also dictated the nature of their involvement in Sudan.

Ross hypothesises that the end of the Cold War may have intensified Sudan's efforts to rely on primary commodities in the 1990s, but this seems unlikely.[6] Khartoum did not become a net exporter of oil until August 1999 and had not been reliant on superpower clientage since the fall of the Nimeiri regime in 1985. Instead, throughout the 1980s and mid-1990s Sudan relied on the support of friendly regimes and, occasionally, the benefaction of wealthy radical Islamists such as Osama bin Laden. By the mid-1990s, Sudan's renewed efforts to secure Bentiu oil fields, and the subsequent series of international partnerships it formed with foreign oil companies, would see Khartoum become less reliant on Islamists to finance its economy and war effort.[7] As Sudan broke its alliances with terrorists in the mid-1990s, it received less international condemnation and made itself more attractive to states seeking to purchase its oil. Outrage over the government's conduct had kept otherwise interested Western states such as Canada from investing fully in Sudanese oil.[8]

However, while Sudan was slowly rehabilitating its international image by the late 1990s, Khartoum was becoming aware of how unreliable the investment of Western oil companies would remain. These companies were less willing to work in areas where security was unstable, as demonstrated when the January 2002 counter offensives by the Sudanese army in Block 5A forced the companies to suspend operations for a second time in two years. During the summer of 2002, when the wet season caused a lull in hostilities, Khartoum ordered companies to resume work or have their concessions cancelled. That October, Austria's OMV and Sweden's Lundin approached Malaysian and Chinese representatives, proposing a new consortium with Khartoum to review its management of security.[9] That deal collapsed, however, and so both sold their rights by mid-2003.[10] In addition, pressure

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[6] Michael L. Ross. "What Do We Know About Natural Resources and Civil War?" *Journal of Peace Research* 41:337 (2004), 349.
[7] ICG, *God, Oil and Country,* xxiv. Telephone interview by the author with Richard Barltrop, London, 2009. Abdel Salam Sidahmed and Alsir Sidahmed. *Sudan: The Contemporary Middle East.* London: Routledge, 2005, 59.
[8] ICG, *God, Oil and Country,* 79.
[9] Egbert Wesselink. "Oil Fuels War in Sudan." *Adding Fuel to the Fire: The Role of Petroleum in Violent Conflicts.* Swisspeace Annual Conference 2003, (2004), 18.
[10] Christine Batruch. "Oil and Conflict: Lundin Petroleum's Experience in Sudan." *Adding Fuel to the Fire: The Role of Petroleum in Violent Conflicts.* Swisspeace Annual Conference 2003, (2004), 23. Wesselink, "Oil Fuels

from Western NGOs and governments ultimately ended most Western oil investment in Sudan in the period just preceding the Machakos Protocol. By 2001, European NGOs also became more active in raising awareness about Sudan.[11] US pressure to cut ties with Khartoum in the 1990s especially affected small Western companies such as Canada's Talisman.[12]

Over the course of the decade, Western based corporations were eventually replaced by Asian, state-owned rivals which were less sensitive about Sudan's internal policies and less risk-averse.[13] In August 1999, Khartoum finally filled its first tanker load and was able to make sizeable profits by regular exports of oil.[14] By August 2001, Sudan was producing enough oil to earn observer status at OPEC meetings.[15] Khartoum was able to stall the SPLM/A's advances long enough to use the oil money to finance its army. In 2000, a military spokesperson declared that due to oil profits, Sudan had manufactured mortars, tanks and armored personnel carriers.[16] The economy began growing throughout 2001 and 2002, though most of the new revenue

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War in Sudan," 18. The withdrawal from Sudan by these companies coincided with a fresh outbreak of violence and disregarded cease fires from October 2002 to February 2003.

[11] ICG, *God, Oil and Country,* 208. The European Coalition on Oil in Sudan was a group of more than 40 European NGOs who sought to end oil development and the marketing of Sudanese Nile Blend until a comprehensive peace agreement was reached by the parties.

[12] Luke A. Patey. "A Complex Reality." *Danish Institute for International Studies.* Report 2006:2 (2006), 24. Peter Woodward. *US Foreign Policy and the Horn of Africa.* Hampshire, UK: Ashgate Publishing Limited, 2006, 119. Woodward writes that access to more efficient Western oil companies was another incentive for Khartoum to seek peace by 2001, once it had removed its more ideological element.

[13] Emeric Rogier. *No More Hills Ahead? The Sudan's Torturous Ascent to Heights of Peace.* Netherlands Institute of International Relations, Clingendael. August, 2005, 82. Daniel Large. "China's Involvement in Armed Conflict and Post-War Reconstruction in Africa: Sudan in Comparative Context." *Danish Institute for International Studies.* 2007:8 (2007), 61. Sarah Skorupski. "Sudan's Energy Sector: Implementing the Wealth-Sharing Agreement." Center for Strategic and International Studies. *Africa Notes* 22 (August 2004), 4. Ann Kelleher. "A Small State's Multiple-level Approach to Peace-making: Norway's Role in Achieving Sudan's Comprehensive Peace Agreement." *Civil Wars* 8:3 (September 2006), 301-302. Richard Barltrop. *The Negotiation of Security Issues in Sudan's Comprehensive Peace Agreement.* Geneva: Center for Humanitarian Dialogue, 2008, 37. Kelleher, "A Small State's Multiple-level Approach to Peace-making," 304-305. Another example is the Wunlit conference of 1999 between regional actors which became a model for later small-scale peace conferences. Amani M. El Obeid. *Chronique Politique du Soudan 2003.* Cedej, Le Caire, Etudes et document, 16-17 (2004), 18. Another Wunlit conference, held in July 2003, helped reconcile longstanding grievances between Nuer and Dinka and sought to curb the cattle-rustling rife in the area.

[14] "Raising the Stakes: Oil and Conflict in Sudan." *Sudan Update,* (December 1999), 2. Abdel Salam Sidahmed and Alsir Sidahmed. *Sudan: The Contemporary Middle East.* London: Routledge, 2005, 113. ICG, *God, Oil and Country,* 135. Endre Stiansen. "GOS Revenue, Oil and the Cost of the Civil War." *Money Makes the War Go Round: Transforming the Economy of War in Sudan.* Maison International, Brussels, 12-13 June 2002, 2, 5. In 1998 and 1999, non-tax revenue accounted for 25% of total revenues. In 2000, the government's non-tax revenue jumped to 52%. In 2000, exports exceeded imports for the first time in decades, all as a result of oil, which by 2001 accounted for 80% of Sudan's total exports.

[15] Michael Kevane. "Sudan: 2001-2002. From war to the possibility of peace in the south and then to new conflict in Darfur." Chapter prepared for *African Contemporary Record* (December 2004), 28.

[16] Shannon Lee Field. "The Internal and External Contexts of Oil Politics in Sudan: The Role of Actors," *The Sudan Peace Process: Challenges and Future Prospects,* ed. John G. Nyuot Yoh and Eddy Maloka. East Lansing, Michigan: Michigan State University Press, 2005, 73.

coming in from oil was put towards the war effort, not paying off debts owed to organizations such as the IMF.[17]

Sudan's military-resource coordination was not limited to buying arms on the international market with oil revenues. Khartoum sought to use the incentive of oil to form strategic alliances internationally. It became clear early on that oil was not just of interest to Sudan as a commercial product, but for how it allowed the NIF regime to consolidate power domestically. However, this behavior did not follow a profit-based, economic determinist pattern. Sudan did not seek to improve relations with the West in order to partner with the more advanced, efficient Western oil companies. To the contrary, in order to avoid doing business with Western states which might attempt to pressure it over human rights concerns, the regime actually chose to do business with less technologically advanced, non-Western oil companies.[18] Eastern European firms such as Slavneft lacked the more sophisticated exploration and production techniques of their Western rivals, making them slower and less efficient. These small firms were also able to demand more favorable contracts from Khartoum than they normally would because they were not forced to compete against Western companies.[19] Sudan's dependence on Eastern European and Asian state oil companies hindered Sudan's rising economic status somewhat, as they were 'less reliable, less swift and less efficient than Western oil companies'.[20]

As Sudan increasingly looked to the East for oil partners, it became clear that its most valuable economic partner abroad would be China. China could provide not only a dependable client for Sudan's oil, but in return it could offer the weaponry Sudan

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[17] Kevane, "Sudan: 2001-2002," 25, 27. Robert O. Collins. "Civil Wars in the Sudan." *History Compass* 5:6 (2007), 1790. 'The greatest percentage of oil revenues was used to modernize the army, and by 2002 the defense budget had increased to US$665 million, half the annual Sudan government budget and 5% of the Gross Domestic Product (GDP)' Wesselink, "Oil Fuels War in Sudan," 15. 'In 2001, oil revenues represented 38.5 % of the state income, up from zero in 1998. According [to] the IMF, Sudan's military expenditures were US$242 million in 2001, a rise of 50%, roughly proportional to the total rise in government earnings as a result of the oil boom. They have stabilized since. Government oil revenues were expected to reach US$600-700 million in 2003.' Wesselink, "Oil Fuels War in Sudan," 17. Earlier, in the late 1990s, European governments and the European Union had applauded Sudan's financial reforms allowing for declining inflation. These were seen as being in accordance with recommendations made by the IMF.

[18] William Reno. "Economies of war and their transformation: Sudan and the variable impact of natural resources on conflict." *Money Makes the War Go Round: Transforming the Economy of War in the Southern Sudan.* Maison International, Brussels, 12-13 June 2001, 2.

[19] Reno, "Economies of war and their transformation," 20-21. Barltrop, interview.

[20] Wesselink, "Oil Fuels War in Sudan," 18.

needed to conduct its war in the south, and provide a UN Security Council veto over resolutions condemning Sudan for how it conducted its internal affairs.[21] Khartoum had steadily been cultivating its relationship with Beijing at the expense of Western oil companies for years, as for example in the mid-1990s, when it pressured the small Canadian firm Arakis to allow the Chinese National Petroleum Company (CNPC) into the Greater Nile Petroleum Operating Company (GNPOC) consortium so Khartoum could gain greater access to Chinese weapons.[22] The relationship between Sudan and China has come to revolve around a military-resource alliance, and could not be replaced easily by Western companies, even if that would be a more financially sound arrangement for Khartoum.

Sudan clearly considers its oil wealth to be a resource to be used for objectives other than just maximum profit, turning to Asian oil companies to improve its security situation even before Western oil companies began turning away. In a similar vein, the CNPC has stated that China's energy security is more important than commercial interests in company decisions. As a result, the company is able to pursue investment in less lucrative operations which allow it to further cement its bond. China has expanded its activity in Sudan into banking, pharmaceuticals, agriculture and industry.[23]

China's concern about the flow of oil from Sudan has contributed to its ambiguous role in the peace process. In 1997, GNPOC finished work on a pipeline connecting the southern oil fields to the Red Sea, relying primarily on Chinese convicts and armed Chinese personnel for labor.[24] This labor force worked with the Sudanese army to depopulate areas of the Western Upper Nile in order to drill oil wells, incurring significant resistance from SPLA troops in the region.[25] However, after the oil

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[21] Telephone interview by the author with Richard Lobban, Providence, 2009. Peter Nyot Kok. *Governance and Conflict in the Sudan 1985-1995: Analysis, Evaluation and Documentation.* Berlin: Deutsches Orient Institut, 1996, 180. Large, "China's Involvement in Armed Conflict and Post-War Reconstruction in Africa," 61.

[22] Patey, "A Complex Reality: The Strategic Behaviour of Multinational Oil Corporations and the New Wars in Sudan," 34. Chris Alden. "China In Africa." *Survival: Global Politics and Strategy* 47:3 (2005), 152. China has provided helicopters, guns, ammunition, and anti-personnel mines to Khartoum, and between 4,000 and 10,000 armed contract workers have been active in the oil-producing regions as well.

[23] Patey, "A Complex Reality: The Strategic Behaviour of Multinational Oil Corporations and the New Wars in Sudan," 33.

[24] Wesselink, "Oil Fuels War in Sudan," 15.

[25] Robert O. Collins. "Civil Wars in the Sudan." *History Compass* 5:6 (2007), 1790.

regions first came online in August 1999, China began urging some sort of settlement by which the stability of oil extraction and transportation would not be compromised.[26] This attitude shifted again by 2003, when China began moving more armed personnel to Sudan to protect a new pipeline being constructed there in cooperation with Petronas of Malaysia.[27] This presence, in turn, allowed Khartoum to divert its own forces to other unstable areas such as Darfur and the East.

Sudan has been described as China's 'premier off shore oil source', and is a launching pad for China's further interests in securing energy sources from Africa.[28] An incentive for the regime to reach a peace agreement was Beijing's assurance that, if the security situation around the oil fields stabilized, China would switch to financial payments for the oil it bought, rather than trading oil for Chinese goods as was more common in the past.[29] Considering how much influence it had with the Bashir regime, China might have been expected to be more assertive about its preferences for the terms of a peace agreement after 2002. However, Large suggests that China's preference for bilateral relations in Africa has inhibited it from playing a larger role in the IGAD process, which involved several tiers of activity from several states.[30] China retains a close relationship with the NCP, but 'while it has exploited instability in Sudan, it has an interest in the success of the CPA and above all an enduring political framework in Sudan within which to continue its relations.'[31] To

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[26] Telephone interview by the author with Peter Woodward, Reading, 2007. Barltrop, interview. Barltrop notes that as the peace process progressed, China became less involved, not even seeking to insert itself in topics of interest such as the Wealth Sharing Agreement. Lobban, interview. Lobban surmises that the Chinese are not opposed to a peace agreement if it will facilitate more oil production. 'If the oil flows, they don't care'.

[27] Francis Kornegay. "Regional and International Dimensions of the Sudanese Peace Process," *The Sudan Peace Process: Challenges and Future Prospects*, ed. John G. Nyuot Yoh and Eddy Maloka. East Lansing, Michigan: Michigan State University Press, 2005, 65. Interview by the author with Ahmed Al-Shahi, Oxford, 2007. Telephone interview by the author with Peter Woodward, Reading, 2007.

[28] Alden, "China In Africa," 148.

[29] Achim Wennman. "Wealth-Sharing Beyond 2011: Economic Issues in Sudan's North-South Peace Process." *The Centre on Conflict, Development and Peacebuilding*, 2009, 18.

[30] Large, "China's Involvement in Armed Conflict and Post-War Reconstruction in Africa," 67. Waithaka Waihenya. *The Mediator: Gen. Lazaro Sumbeiywo and the Southern Sudan Peace Process.* Nairobi: Kenway Publications, 2006, 127. The one notable exception to Chinese lack of direct involvement in the peace process occurred in January 2004, when Guan Ruoxun, a woman working with the Chinese government as a political officer in Kenya coordinated with the Chinese ambassador in an attempt to contact representatives from the negotiating parties. She was finally ejected from the negotiations at Naivasha by mediator Lazaro Sumbeiywo after attempting to pressure him to sign the Wealth-Sharing Agreement sooner.

[31] Large, "China's Involvement in Armed Conflict and Post-War Reconstruction in Africa," 72.

this effect, following the settlement in January 2005, China contributed over 400 peacekeeping troops to UNMIS.[32]

SECURITY AND CEASE FIRES IN THE FIRST WAR

The incidents above demonstrate the need for a stable security environment in order to exploit oil wealth. This has added another dimension to the importance of cease fires in civil war. The contesting of natural resources in the Naivasha process was a primary reason for its duration, as compared to the relatively brief Addis Ababa negotiations of 1972. The introduction of oil as a dominant issue of dispute led to vigorous efforts by both sides to pressure the other, such as by abandoning cease fire agreements and attempting to sell concessions off to foreign states in deals rejected as illegitimate by the other party. Such behavior would have derailed the Addis Ababa negotiations, which were largely based on trust that had been established through a quick series of confidence-building measures, including cease fires. In contrast, oil wealth provided a greater incentive for parties in the second war to continue fighting while negotiating, in accordance with the axiom that the terms of such agreements often reflect relative strength on the battlefield.[33]

While conflict throughout negotiations was most pronounced after the Machakos protocol, the tendency for the government and southern rebels in *both* wars to break cease fires or take advantage of periodic lulls during fighting is well documented. The separatist nature of the first war meant that the Anya Nya rebels typically felt little reason to allow liberal forces in the north room to move diplomatically, as no government in Khartoum, no matter how open-minded about southern concerns, would allow the region to secede peacefully – the only objective southern separatists would agree to a cease fire in order to obtain. After the fall of the Abboud regime in 1964, the Anya Nya used the transition government's conciliatory policy of repealing harsh security measures in the south to beef up their strength in the region, damaging the credibility of that government with northern voters, who opted for a more

[32] Large, "China's Involvement in Armed Conflict and Post-War Reconstruction in Africa," 67.
[33] Richard K. Betts. "The Delusion of Impartial Intervention" *Turbulent Peace: The Challenges of Managing International Conflict.* Eds. Crocker, Chester A., Fen Osler Hampson and Pamela Aall. Washington DC: United States Institute of Peace Press, 2003, 286.

hawkish, conservative one in June 1965.[34] Perhaps also because of the lack of coordination between the Anya Nya's political and military wings at that time, the movement relied on coercion out of habit. Even as late as 1971, at a time when both parties were looking to open negotiating channels, fighting was intense as each side sought to bargain from a position of strength.[35] In December of that year, after early mediation had already begun in Addis Ababa, both the government and the Anya Nya launched offensives.[36]

It took a change in southern objectives to disrupt this pattern. After Anya Nya military commander Joseph Lagu began to determine that a separate southern state borne out of revolution was an unrealistic objective, his immediate goal became the creation of an atmosphere conducive to negotiations for regional autonomy.[37] At the 15 May 1971 meeting between WCC/AACC representatives and those of the May Regime, it was resolved that:

1) Khartoum was in favor of WCC/AACC attempts to contact Anya Nya representatives interested in reconciliation with the government

2) that the groups to be represented had to have broad influence in the south.

3) that talks could be held in any location.

4) that Sudan would agree to an interim 'cooling-off' period, providing no risk to security was involved.

5) discussion was limited to regional autonomy within the context of a united Sudan

6) 'the question of under whose auspices the talks would take place would be discussed later.'

In June 1971, this WCC/AACC report was given to Mading de Garang, the SSLM's representative in London. The SSLM responded point-by-point to these six items,

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[34] Mohammed Beshir Hamid. "Aspects of Sudanese Foreign Policy: 'Splendid Isolation', Radicalisation and 'Finlandisation'." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 129. Mohammed Beshir Hamid and John Howell. "Sudan and the Outside World, 1964-1968." *African Affairs* 273 (October 1969), 307.

[35] Cecil Eprile, *War and Peace in the Sudan 1955-1972.* London: David & Charles, 1974, 150.

[36] Joseph Lagu. *Sudan: Odyssey Through a State (From Ruin To Hope).* Khartoum: M.O.B. Center for Sudanese Studies, 2006, 246. Lagu writes that he code-named the offensive 'Operation Peace Talks'. Hizkias Assefa. *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict.* Boulder, Colorado: Westview Press, 1987, 128.

[37] Abel Alier. *The Southern Sudan: Too Many Agreements Dishonoured.* Exeter, Devon, UK: Ithaca Press, 1991, 81. Alier writes that SSLM delegate Elisapana Mulla confirmed to him during the secret November 1971 negotiations that Lagu was willing to accept a united Sudan, even if he did not believe many of his Anya Nya deputies were.

specifying that it preferred an actual cease fire to a 'cooling-off' period, and that regional autonomy was a starting point for issues concerning the status of the south.[38] A cease fire was the most natural first step; both to establish trust between parties and to ensure Anya Nya representatives could safely reach Ethiopia for secret talks with representatives from Khartoum. Ultimately, by January 1972, it was the SSLM that had been the most persistent in calling for a cease fire before the Addis Ababa negotiations, not Khartoum's representatives.[39]

The May Regime's acquiescence to a cease fire was a significant breakthrough in the agreement. The debate over the nature and necessity of a cease fire in the Addis Ababa discussions seemed to skirt close to a formal recognition of a southern fighting force by the state. For this reason, several northern elements had been consistently opposed to a cease fire both before and during the Addis Ababa discussions. Most crucially, much of the Sudanese army establishment pushed against the move as they believed it would be a *de facto* recognition of the Anya Nya as a second army within the state, de-legitimizing the national army's traditional monopoly on force. On the other hand, some officers did not oppose a cease fire as long as it helped facilitate a political settlement.[40]

In contrast with the SPLA, southern insurgents in 1972 had no known oil resources for which to be concerned about the exploitation of during the cessation of hostilities.

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[38] Dunstan M. Wai. *The African-Arab Conflict in the Sudan.* Teaneck, New Jersey: Holmes & Meier Publishers Inc, 1981, 150-151. The SSLM rejected coordination with Khartoum concerning humanitarian aid to the south, however, noting that most southerners were outside the control of the government and fearing that Khartoum could use the aid to infiltrate Anya Nya-controlled areas.

[39] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 78. Wai, *The African-Arab Conflict in the Sudan*, 152. Abu Baker El Obeid, *Political Consequences of the Addis Ababa Agreement.* Stockholm: Liber Tryck, 1980, 118. El Obeid notes that the SSLM did not ask for a cease fire as a condition for negotiations, but to be implemented before a final resolution. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 220-221. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 111. A cease fire was one of Lagu's preconditions for negotiations with the government as expressed in an October 1970 letter from himself to Mading de Garang, who was coordinating the SSLM response to the earliest international gestures of mediation. Other preconditions included the release of all southern political prisoners, negotiations to be held outside Sudan and a government announcement that the Anya Nya was the only body with which to negotiate.

[40] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 78-79. Alier cites Major General Mohammed Al-Baghir, a northern officer with long experience in the south during the first war and a contributor to the AAA, as one whose willingness to implement a cease fire in order to allow a final peaceful settlement earned him a significant degree of trust and respect among SSLM leadership. Babiker Awadallah and Major General Abu el-Gasim Hashim are two establishment officials who opposed a cease fire, declaring that it would put the Anya Nya on 'equal footing' with the army. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 143. The first suggestion for a cease fire, rather than just a 'cooling off' period, was made by the SSLM in June 1971.

For that reason, it was easier for both sides in the first war to use cease fires as trust-building measures: there was less tactical incentive for either side to violate them, and it would have been pointless towards achieving broader strategic objectives. It was for this reason that at the end of the negotiations in Addis Ababa, Khartoum boldly announced a unilateral cease fire on 12 March 1972, in advance of the agreement's actual finalization.[41] This move was astute, not only because it was a leap of faith demonstrating Khartoum's sincerity, but because it accentuated the AAA as effectively signalling the end of the war. This put pressure on the SSLM to hold to the terms negotiated by that point as the final agreement, rather than jockey for better positioning in another round. The final cease fire was particularly risky as it later became clear that some Anya Nya fighters in more remote locations might not hear of the agreement for months, staging raids on government facilities and compromising the treaty in the interim.[42] In addition, many Anya Nya fighters, some of whom would soon form Anya Nya 2, did not support the concessions made by the SSLM on their behalf.[43]

However, the parties had built up a sufficient level of trust that the agreement was able to withstand those immediate challenges. In conjunction with events such as the Anya Nya's December 1971 release of the northern survivors of a plane crash in territory they controlled, the cease fires created a climate conducive to negotiations.[44] Nevertheless, Lagu refused to ask his men to turn in their weapons after the AAA, noting that once they were given their positions and modern weapons in the Sudanese

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[41] John Howell. "Horn of Africa: Lessons from the Sudan Conflict". *International Affairs* 54:3 (1978), 436. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 256. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 143. Wai, *The African-Arab Conflict in the Sudan*, 160-161. Nelson Kasfir. "Sudan's Addis Ababa Treaty: Intraorganizational Factors in the Politics of Compromise." *Post-Independence Sudan.* Ed. C. Allen. Edinburgh, University of Edinburgh, 1981, 146. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 124.

[42] Eprile, *War and Peace in the Sudan 1955-1972*, 154.

[43] Eprile, *War and Peace in the Sudan 1955-1972*, 154. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 99. El Obeid suggests that the authoritarian nature of Nimeiri's and Lagu's regimes helped conclude a peace agreement, even though many of the principles of regional autonomy had been established in the 1960s, when both the government and insurgency had weaker leadership. El Obeid notes that the strength of leadership in 1972 also allowed for Nimeiri to grant southern concessions such as an elected regional president, heavy insurgent involvement in the new security provisions, and a single Southern Region uniting the south.

[44] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 241-242. Kasfir, "Sudan's Addis Ababa Treaty: Intraorganizational Factors in the Politics of Compromise," 148. Severino Fuli Boki Tombe Ga'le. *Shaping a Free Southern Sudan: memoirs of our struggle, 1934-1985.* Torit, Sudan: Loa Catholic Mission Council, 2002, 371. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 130. Upon their return to Khartoum, the crash survivors spoke favorably to the press about Anya Nya, thereby making the northern public more receptive to them than they had been for most of the duration of the war.

army, they would then turn in their equipment.[45] This condition was yet another example of the patronage involved in the AAA which would not be seen in the 2005 agreement.

The relative status accorded to each insurgent group was significantly different by the time of a final peace agreement. By the beginning of 1972, the SSLM was still seeking to establish its reputation as a legitimate representative of southern grievances whom the government should negotiate with, and not simply a gang of predatory bandits unworthy of recognition.[46] Khartoum refused to formally recognize Anya Nya groups in any capacity for most of the war, in part because the insurgency had such a disorganized hierarchy and in part because the insecurities of a recently-independent state seeking to establish its sovereignty and internal security prohibited any gesture which could be construed as legitimizing such an insurgency.

SECURITY AND CEASE FIRES IN THE SECOND WAR

Unlike the first war's insurgency, the SPLM/A had far surpassed the use of cease fires as a milestone of state recognition by 2002, having met with representatives of the Bashir regime, as well as those from previous governments, several times prior to Machakos. Cease fires served as a final objective rather than as a trust-building measure. The Bashir junta might seek other methods to discredit the rebel movement it confronted, but could not deny the SPLM/A was an ideologically driven, effective rebel force. Until the early 1990s, the NIF representatives at the Abuja discussions made it clear that they would not agree to anything other than temporary cease fires until political issues were resolved.[47] The government was convinced that it could eliminate the SPLA as a threat with its June 1993 offensive, while the SPLA in turn did not want to hold to a cease fire while it was at such a strategic disadvantage on

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[45] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 268.
[46] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 240. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 193. Acknowledging Anya Nya sensitivity about terminology the government had used in the past, during the Addis Ababa talks the government delegation referred to the SSLM delegation as the 'Liberation Movement'. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 194. Assefa writes that the first war never reached a plateau, but continued to escalate. This is in contrast to the second war, which reached a long-running plateau in the 1990s.
[47] Ann Mosely Lesch. *The Sudan: Contested National Identities.* Bloomington: Indiana University Press, 1998, 178.

the ground.[48] By 1994 this pattern was well enough established that it was included as an item that year in the IGAD Declaration of Principles. From that point until the end of the war, it would remain SPLM/A *de facto* policy to call for a cease fire only after a final agreement had been concluded, thereby allowing the insurgency to push for a more advantageous situation on the battlefield.[49]

The incentive to extract oil from the south helped persuade the regime during the second war to seek the stability only a cease fire could provide. By 1997, the regime began to assert its preference for a cease fire before negotiations could even commence, asserting that such a move would be both a vital confidence-building measure between the two parties, and necessary to discuss the complicated issues of contention.[50] The government also had two urgent incentives for this line of reasoning. First, from an economic perspective, it would be far easier to extract oil from the southern oil fields during a cease fire. A further motive was the increasingly isolated diplomatic situation in which the regime found itself that year against a politically resurgent SPLM/A.[51] However, after Khartoum had repeatedly ignored a previous cease fire organized in 1995 by former US president Jimmy Carter in a high-profile visit to the Sudan, the regime had little credibility with the SPLM/A or neighboring states on the matter.[52] By 1997, the regime's opportunism regarding the south had become too well established for its cease fire initiatives to be taken seriously by mediators or the SPLM/A and a pattern of such broken agreements marked the stalemate period of the war from 1997 to 2001.[53]

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[48] Lesch, *The Sudan: Contested National Identities*, 179.

[49] *Declaration of Principles*, 1994, section 6. Ted Dagne. "Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and US Policy." *Foreign Affairs, Defense and Trade Division of the Congressional Resource Service*, Issue Brief for Congress. 2 August 2002, 5. Rogier, *No More Hills Ahead?* 41. The policy was reaffirmed in the Security Agreement, 2003, section 2. Interview by the author with Mohammed Ibrahim, Canberra, 2009. Former NDA commander Mohamed Ibrahim says that SPLA colleagues of his have stated that they did not wish to repeat the experience of the Polesario Front insurgency in Morocco, in which a cease fire was declared before a final agreement on political issues and the government used the following period to firm up its position militarily. Kok, *Governance and Conflict in the Sudan 1985-1995*, 57. During the transitional period after the fall of Nimeiri, there was initial disagreement over the timing of a cease fire to be implemented during negotiations. The unions under the National Alliance for National Salvation preferred it come immediately, the SPLA preferred it be preceded by the implementation of other points of agreement.

[50] Waihenya, *The Mediator,* 194.

[51] Lesch, *The Sudan: Contested National Identities*, 207.

[52] Lesch, *The Sudan: Contested National Identities*, 161, 185. Arop Madut-Arop. *Sudan's Painful Road to Peace: A Full Story of the Founding and Development of the SPLM/SPLA*. Charleston, South Carolina: Booksurge, 2006, 313.

[53] Interview by the author with Douglas Johnson, Oxford, 16 December 2007. Abdelwahab El-Affendi. "The Impasse in the IGAD Peace Process for Sudan: The Limits of Regional Peacemaking?" *African Affairs* 100

By the end of the century, oil revenues in the south shifted from being a long-held government objective to becoming an economic reality. They were a key factor in creating the stalemate conditions that would abate with the Machakos Protocol, but only fully be resolved with the conclusion of the CPA. By August 1999, the government had finally connected a pipeline from the southern oil fields to the Red Sea, allowing Khartoum a chance to pursue its ideal objective of crushing southern resistance with new oil revenue. The SPLA immediately began targeting the pipeline, launching an attack on it in September 1999.[54] Insurgents also used targeted attacks to destroy the rationale behind Khartoum's assurances to the public that oil would buy the weaponry necessary to crush the SPLA, capturing the Bahr el-Ghazal garrison towns of Raga and Dem Zubeir by June of 2001.[55] In August 2001, the SPLA captured Heglig, and was poised to strike at the oil fields in that area.[56]

Even in the lead up to the Naivasha process, the perception that the government was using cease fires in bad faith elsewhere in other regions of Sudan undermined any attempt to use them in the south proper. The government's willingness to reorganize troops for further antagonism in these other areas was underscored at a more advanced stage of the IGAD process, after the Nuba Mountains cease fire of December 2001, during which Khartoum transferred troops from that area into Western Upper Nile, where they began removing the population from strategic locations surrounding the oil fields there.[57] As the Naivasha process got underway in

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(2001), 589-590, 596. El-Affendi suggests that the ineffectiveness of the IGAD process during the late 1990s was one of the reasons Khartoum adhered to it, despite the growing bias against the regime by the forum and its Western backers. This would explain why Khartoum's more intense 'forum-shopping' efforts did not begin until after the turn of the century, when regional and international actors began coalescing around the IGAD process.

[54] J. Millard Burr and Robert O. Collins. *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000.* Leiden; Boston: Brill, 2003, 274. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 114. The NDA launched another minor attack on the pipeline at Atbara in northern Sudan. Large, "China's Involvement in Armed Conflict and Post-War Reconstruction in Africa," 61. Wesselink, "Oil Fuels War in Sudan," 15-16. The government also relied on its southern militias during this period, allowing Khartoum to announce to the world that confict in the south was merely inter-tribal squabbling. From 1997-1999, large areas along the pipeline to Heglig were cleared for the all-weather Bentiu-Adok road.

[55] ICG, *God, Oil and Country,* 117. Waihenya, *The Mediator,* 76. Kevane, "Sudan: 2001-2002," 7.

[56] Kevane, "Sudan: 2001-2002," 7.

[57] Hartwig Euler. "Human Rights in Sudan: Islamic State and Cultural Diversity". Missio. Pontifical Mission Society, 2005, 49. Rogier, *No More Hills Ahead?* 60. Practices such as these were initially addressed in the 15 October 2002 Memorandum of Understanding on Cessation of Hostilities Between the Government of the Sudan and the Sudan People's Liberation Movement/Army, section 3, which addressed abuse and violence against civilians. The principle was finally incorporated into the CPA via the Power Sharing Agreement, 2004, section 1.6.2.14, guaranteeing citizens the freedom of movement and to choose their own residence.

mid-2002, the practice of negotiating without cease fires posed a serious threat to the momentum of the peace process. At Machakos, IGAD mediator Lazaro Sumbeiywo had gone along with the SPLM/A demand that negotiations take place without any immediate cease fire. He believed that the continued possibility of a resumption of hostilities might put pressure on the parties to conclude the process quickly and deter them from unrealistic objectives.[58] Instead, the government's new oil wealth complicated the peace process. New oil contracts, in which the parties shared revenue, could only come into effect after the conclusion of a comprehensive peace treaty, creating a loophole for Khartoum to sign as many contracts as possible in the space between the start of negotiations and the CPA.[59] This practice further damaged trust between the parties, rendering cease fires untenable or quickly violated.

After the framework for an agreement had been determined, it needed to be 'sold' to the rest of the Sudanese public and political elements other than the Sudanese government and the SPLM/A. This perceived necessity may account for what some authors saw as Machakos's 'vagueness' about what specifically constituted democracy and secularism. The agreement seemed intended to draw the interest and support of parties not up to that point involved in the IGAD process. However, despite the apparent exacting deliberation of Machakos to ensure growing levels of consensus among parties, it soon became obvious that even the principle participants were not able to agree on the goals of the peace process. Bashir signed Machakos without first ensuring that Vice President Taha and Foreign Minister Mustafa Ismail, among others, were in agreement with everything in that declaration. Ismail in turn had reassured Egyptian President Hosni Mubarak that no agreement would be signed with the SPLM/A allowing self-determination.[60] That section of the protocol in particular raised objections from senior officials to the inclusion of provisions which had not been reviewed by others in the regime.[61] By 2 September 2002, Khartoum would issue a letter accusing the SPLM/A of having already deviated from Machakos

[58] John Young. "Sudan IGAD Peace Process: An Evaluation." *Institute of Governance Studies*, Simon Fraser University, Vancouver. 30 May 2007, 17. Waihenya, *The Mediator,* 95.
[59] Justice Africa, 31 January 2004.
[60] Alex De Waal. *Islam and Its Enemies in the Horn of Africa.* London: Hurst & Company, 2004, 243.
[61] *Machakos Protocol*, Part C, sections 3.3 to 3.6.

by pushing the issue of secularism in the north and a settlement of the status of the three disputed areas of Abyei, Southern Blue Nile and Southern Kordofan.[62]

It was the regime's internal dissent, along with SPLA gains made in the previous two months that led to Bashir's temporary withdrawal from Machakos.[63] The SPLA capture of Torit in October 2002 and the resulting deaths of several top government officials – including a close ally of Bashir's – gave the president an excuse to pull out of the IGAD process.[64] The Machakos negotiations had been conducted without a cease fire and the government could not resume them without retaking this territory. It did so mere days after the insurgents captured Torit, thanks in part to oil revenue.[65] After a few more skirmishes had 'satisfied honor', IGAD mediators persuaded both sides to return to Machakos by 17 October, this time agreeing to a cease fire for the duration of the negotiations.[66] When neither side initially abided by the cease fire, Sumbeiywo called for both parties to renew their efforts to do so in February 2003.[67] This amended cease fire included an article specifically calling for a halt to construction of the Bentiu-Adok road, a mechanism to make troop movements for both parties and their allies more transparent, and the appointment of an international

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[62] Waihenya, *The Mediator,* 95.

[63] De Waal, *Islam and Its Enemies in the Horn of Africa*, 243. Collins, "Civil Wars in the Sudan," 1791.

[64] Barltrop, interview. Madut-Arop, *Sudan's Painful Road to Peace,* 317. Waihenya, *The Mediator,* 95-96. Young, "Sudan IGAD Peace Process: An Evaluation," 17. Dalal Mohamed Rajab. "Naivasha Peace Agreement: Analysis and Evaluation Part I." *Respect* 2 (March 2006), 19. Khartoum recalled its delegation from Naivasha for 'consultation' over the SPLA's taking of Torit. Mansour Khalid. *The Government They Deserve.* London: Kegan Paul International, 1990, 355. This example of a government in Khartoum using SPLA attacks to pull out of an ongoing peace process is similar to one in late 1986, when the SPLA downing of an airplane near Kurmuk allowed Sadiq Al-Mahdi a chance to distance himself from the insurgents after earlier participating in the Koka Dam Declaration, the conciliatory agreement with the SPLA that was unpopular in his government.

[65] De Waal, *Islam and Its Enemies in the Horn of Africa*, 243. Euler, "Human Rights in Sudan," 50. Ulf Terlinden and Tobias Debiel. "Deceptive Hope For Peace? The Horn of Africa Between Conflict Diplomacy and Obstacles to Development." Peace, Conflict & Development 4 (April 2004), 11. Lazaro Sumbeiywo. "The Mediator's Perspective." *Peace by Piece: Addressing Sudan's Conflicts.* Accord 18 (2006). London: Conciliation Resources, 2006, 24. Waihenya, *The Mediator,* 102. Kevane, "Sudan: 2001-2002," 8.

[66] International Crisis Group. "Sudan Endgame." 7 July 2003, 2. *Addendum to the Memorandum of Understanding on Cessation of Hostilities Between the Governement of Sudan and the Sudan People's Liberation Army*, 4 February 2003, article 3. Euler, "Human Rights in Sudan," 50. Woodward, *US Foreign Policy and the Horn of Africa*, 128. Young, "Sudan IGAD Peace Process: An Evaluation," 18. Young writes that the SPLA capture of Torit was an indication of how important it was for the insurgents to approach negotiations on a level of military parity with Khartoum.

[67] Brusset et al. 2004, 2. Euler, "Human Rights in Sudan," 50. Young, "Sudan IGAD Peace Process: An Evaluation," 18. El Obeid, *Chronique Politique du Soudan 2003*, 4, 40. Following the October 2002 cease fire government forces continued to push into Western Upper Nile to consolidate gains in the oil fields. The government also ignored a provision of the February 2003 agreement to dismantle its garrisons along the Bentiu-Leer road.

monitoring team.[68] Despite violations, the Memorandum of Understanding was significant in that it allowed enough stability for international NGOs to extend operations in the south, allowing 'unfettered access' to Operation Lifeline Sudan, the dominant NGO, for the first time in the history of the conflict.[69] This in itself was widely understood to be an indicator that the war was coming to an end.

This pattern of establishing cease fires, then breaking them, continued throughout the Naivasha process. As late as September 2004, the government-backed SSDF militia worked with military intelligence to capture strategic towns in the south in order to improve Khartoum's standing in time for a final agreement.[70] The 2003 Security Agreement instructed the Sudanese Armed Forces to begin redeploying from the south in the event of a final settlement, except for units jointly integrated with the SPLA, but Khartoum had for years supported and cooperated with several militias which were still actively hostile to the SPLA.[71] Unlike the situation just prior to the AAA, the government during the Machakos process had strong economic incentives to control territory in the south through its proxies. The more territory its southern ally controlled, the more difficult it would be for the southern government to implement security, or pose a threat to the oil fields. In the second war, oil and security were closely conjoined.

LEGAL DISPUTES OVER OIL CONCESSIONS

The battle over southern oil was fought throughout the peace process not only militarily, but also in a political and legal capacity. Aside from attacking oil installations to put pressure on the government over oil rights, the SPLM/A launched another maneuver: signing contracts with oil companies over concessions the government had already sold. The objective was to voice SPLM/A unhappiness at

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[68] Euler, "Human Rights in Sudan," 50. Waihenya, *The Mediator*, 101-102. *Memorandum of Understanding on Cessation of Hostilities Between the Government of Sudan and the Sudanese People's Liberation Movement/Army*, 15 October 2002, article 3, and the 4 February 2003 addendum, article 6. The construction of this road, the primary transportation route to the oil fields, was displacing the villages of local people along the proposed route in what the SPLM/A declared was a violation of the initial cease fire.

[69] El Obeid, *Chronique Politique du Soudan 2003*, 39-41. UNICEF and the World Food Programme were, by March 2003, able to reach the southern Blue Nile State for the first time.

[70] International Crisis Group. "Sudan's Dual Crises: Refocusing on IGAD." 5 October 2004. 4-5.

[71] *Security Agreement*, 2003, section 3b.

what it considered government deception over oil contracts, but like broken cease fires, the legal confusion the SPLM/A sought to create further eroded trust between the two parties, emphasizing the differences over the parties' ultimate objectives.

Based on analysis of reports by SPLM/A officials, it appeared that legally dubious oil contracts were signed primarily to retaliate against Khartoum's rapid selling-off of concessions prior to the conclusion of the CPA.[72] As the SPLA felt that the threat of resuming hostilities maintained its military leverage, it relied on the threat of competing concessions to maintain its political leverage when negotiating with Khartoum. Instead, as a final peace accord seemed increasingly likely, such tactics served only to de-legitimize the SPLM (soon the Government of South Sudan) as unserious about peace and incompetent in handling oil matters, especially considering such deals were signed after the wealth-sharing protocol the SPLM/A had already been agreed to. The legal gambit in hindsight can be viewed as an expression of southern frustration with Khartoum concerning the delay throughout 2003 and 2004 of a final peace agreement. The SPLM/A's activity during the Naivasha process indicates that it did not seek to complicate the legality of concessions primarily out of a desire to increase its share of wealth, but to protect the security of southerners in areas affected by Khartoum-contracted concessions. In September 2003, the SPLM/A stated that for a final peace agreement, the government would have to renegotiate contracts if they were 'deemed to have fundamental social and environmental problems that cannot be rectified by remedial measures'.[73] The SPLM/A argued that the contracts were illegal since southerners had not been consulted about them in any meaningful capacity.

By January 2004, the SPLM/A appeared willing to concede the issue. According to the terms of the Wealth Sharing Agreement, existing contracts could not be renegotiated and Khartoum accepted language allowing for remedial measures to be taken should the contracts create serious social or environmental problems.[74] However, the SPLA could assign representatives to review the contracts, and parties

[72] International Crisis Group. "The Khartoum-SPLM Agreement: Sudan's Uncertain Peace." 25 July 2005, 19.
[73] Jostein F. Tellnes. "Dealing with Petroleum Issues in Civil War Negotiations: the Case of Sudan." *National Political Science Conference*, Hurdalssjøen, Norway, 5-7 January 2005, 19.
[74] *Wealth Sharing Agreement*, 2004, sections 4.2 and 4.3.

affected by the contracts could receive compensation.[75] The right to renegotiate contracts was itself a negotiable point for the SPLA, but it was not for the government, which did not want its business reputation damaged with international oil companies as a result of breaking contracts it had already committed to.[76] The government told southerners that their region would also suffer from the wariness of oil companies to invest in production there if they felt they could not trust the region to remain stable. Such a lack of confidence could be a hurdle for further investment from Western oil companies, since the possibility of the south's secession already made the area high-risk for oil operations.[77] Instead, in recognition of SPLM concerns, states were given an appeals process by which they could contest oil contracts signed during the interim period.[78]

As the process stalled in late 2004, southerners began to pressure the government to return to the negotiation table again, this time raising legal challenges to concessions that had been signed away by Khartoum throughout the course of that year. The southern Sudanese regional oil company, Nile Petroleum, and a company appointed by the southern government were to join a consortium in the southern oil fields.[79] A consortium led by Total renewed its annual agreement with the government in December 2004 to the oil rich area of Bentiu called 'Block B', a concession it had held since 1980. However, just two months later the government became aware that the SPLM/A argued that since its deal was signed in August 2004, it predates the Total-led consortium's renewal.[80] A host of other legal and technical difficulties with these southern concessions led to John Garang's pledge in February 2005 to de-register concessions the SPLM/A had signed prior to the CPA.[81]

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[75] *Wealth Sharing Agreement*, 2004, sections 4.1 and 4.5. Section 4.5 specifies only that 'persons who have their rights violated by the oil contracts are entitled to compensation'. Skorupski, "Sudan's Energy Sector," 6. In a demonstration of how willing the SPLM was to concede on the issue of existing oil contracts, section 4.1 stipulates that SPLM representatives who review existing contracts must sign confidentiality agreements. While this further augmented the charge that both parties were shunning transparency, it may also be interpreted as an example of the SPLM's willingness to concede on oil rights, since an inability to disclose information about oil rights would hinder the SPLM's ability to make a case against agreements it felt were unjustly concluded.
[76] Tellnes, "Dealing with Petroleum Issues in Civil War Negotiations: the Case of Sudan," 18-19.
[77] Tellnes, "Dealing with Petroleum Issues in Civil War Negotiations: the Case of Sudan," 18.
[78] *Wealth Sharing Agreement*, 2004, section 3.5.4.
[79] International Crisis Group. "A Strategy for Comprehensive Peace in Sudan." 26 July 2007, 4.
[80] ICG, "The Khartoum-SPLM Agreement: Sudan's Uncertain Peace," 19.
[81] ICG, "The Khartoum-SPLM Agreement: Sudan's Uncertain Peace," 20.

A fundamental dispute over oil wealth concerned to which Sudan's natural resources ultimately belonged: local (southern) communities or the national government.[82] The two parties were able to compromise on the issue of oil wealth ownership by leaving it unresolved, but only once it became apparent that oil revenues could be shared even while these fundamental legal rights were not immediately addressed.[83] The SPLM was less cooperative on the division of other resources derived from the south, especially those produced above ground. It insisted on the establishment of a National Land Commission and a Southern Sudan Land Commission, which would adjudicate competing land claims and give some legal protection to customary land rights, protecting the rights of local communities.[84] The two parties disagreed over what should be the foundation of Sudanese property law: one option was the Land Registration Ordinance of 1925, which allowed the traditional landowners some freedom to keep the title. Alternatively, the Bashir regime held to the Land Act of 1970, which declared that all land belonged to the government unless otherwise specified.[85] The SPLM argued that the 1970 law was enacted at the height of the first civil war, before the SPLM was even in existence. In addition, much of the documentation on what land was owned had been lost or destroyed during the course of the second war. It proposed instead that land should be regarded as belonging to

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[82] Domenico Polloni. "Land and the Sudanese transition to peace." Sudan: Prospects for Peace. Eds. Marion Couldrey and Tim Morris. *Forced Migration Review* 24 (November 20, 21-22. Rahhal, Suleiman Rahhal and A.H. Abdel Salam. "Land Rights, Natural Resources Tenure and Land Reform." *Committee of the Civil Project.* Issue Paper E-2 (2006), 2.

[83] Telephone interview by the author with Patricia Lane, Sydney, 2009.

[84] Wealth Sharing Agreement, 2004, sections 2.5, 2.6, 2.7 and 3.1.5. Egemi 2006, 55. Neither the CPA nor the Interim National Constitution specifies if the National Land Commission was to be centralized or decentralized. Waihenya, *The Mediator*, 129. Waihenya notes that Garang was especially hesitant to share non-oil revenues with the government, especially revenues derived from gum arabic, of which the south was a major exporter. After 90 days of debating about the issue, Garang finally compromised, ensuring 50% would be allocated to the Government of South Sudan but allowing Khartoum to allocate the rest. Wealth Sharing Agreement, 2004, section 7.3.

[85] Omer Egemi. "Land and the peace processes." *Peace by Piece: Addressing Sudan's Conflicts.* Accord 18 (2006). London: Conciliation Resources, 2006, 54. The 1970 Unregistered Land Act saw unregistered land given to the state. It could not be acquired 'through long-standing use, which encouraged the patronage of land by the government as a means to secure political power'. Lane, interview. 'There was still a special procedure for recognizing traditional title under the second enactment, but much more difficult for anyone to follow.' Rahhal and Salam, "Land Rights, Natural Resources Tenure and Land Reform," 3. Land customs in south Sudan, southern Kordofan and the Nuba region were not generally implemented under Condominium law, as they were in the north. Rahhal and Salam, "Land Rights, Natural Resources Tenure and Land Reform," 4. The act ended the rights of traditional authorities to allocate land, and preceded the 1971 abolition of Native Administration entirely. Yet in remote ares this change was unenforcible, as local peoples continued to adhere to the Native Administration hierarchy. As a result of this reality, in the 1980s and 1990s, the Native Administration was eventually recognized in these regions. Egemi, "Land and the peace processes," 54-55. The CPA calls for incorporating customary laws with the establishment of four Land Commissions: one national, one in southern Sudan and one for Southern Kordofan and Blue Nile states each. The final agreement recognizes customary rights, but how to reconcile this with the Native Administration system, which manages land conflicts, is not explained.

local communities.[86] The SPLM/A regarded itself as negotiating on these local communities behalf.[87]

Patricia Lane, the Australian property lawyer who assisted as a resource person during the wealth sharing negotiations, recognized that the negotiation could hit an irresolvable impasse over the issue of land ownership.[88] She suggested that instead of hinging the resolution of the land dispute in the peace process on the resolution of the ownership debate – which was intractable – the parties should record the existence of a disagreement and create mechanisms which could later be used to resolve them. This arrangement was the basis of the National and Southern Sudan Land Commissions – it was envisaged that a process of reform of the land law would eventually sort out the question of ownership.[89] The same dispute existed in relation to ownership of natural resources. Especially concerning natural resources, Lane argued that 'the purpose of making this agreement is really how to share the wealth.'[90] The parties were able to leave the question of ownership to one side if the mechanism for dividing the returns from oil (particularly) and other resources could be achieved.[91]

This compromise encapsulates some of the respective priorities of the parties. Khartoum was most concerned with maintaining oil revenues from contracts it had already negotiated, and was not urgently concerned with demonstrating its sovereignty by claiming these resources if revenue was not threatened. While the government had some concern over the possibility of southerners protesting the development of land for priorities of the national government (the Bentiu-Adok road, for example), it did not have as much invested in wide scale use of land in activities

[86] Skorupski, "Sudan's Energy Sector," 3. Goldsmith, Abura and Switzer, "Oil and Water in Sudan," 200. The allusion that customary rights to land must first have a proven legal basis is perceived to be an inherent contradiction within the Act for communities in the Sudan who subscribe to customary laws and value systems.
[87] Lane, interview.
[88] Lane, interview. 'I argued that neither [the 1925 nor the 1970 statute] conclusively abrogated traditional rights, but that really wasn't the point – the SPLM/A would not accept that the Government owned anything other than a sliver of registered land in South Sudan, the Government said – "by virtue of these acts, we own it all."'
[89] Tellnes, "Dealing with Petroleum Issues in Civil War Negotiations: the Case of Sudan," 14-15. 2004 Wealth Sharing Agreement, section 2.6, 2.7.
[90] Lane, interview.
[91] Lane, interview. This method of agreeing of a division of revenue while the issue of ownership remained in question was derived from a similar process used in Australia under the *Native Title Act 1993 (Cth)* to arbitrate disputes between miners and Aboriginal communities in advance of a determination of whether or not the native title claimants actually had native title over the claimed land.

such as agriculture that they would consider this arrangement to be economically debilitating.[92] Khartoum also recognized that southern autonomy over surface land as a legitimate demand of the SPLM/A, and in accordance with the principles of self-determination as laid out in the Machakos Protocol.[93] Most importantly, Khartoum has realized that control over southern land was not a negotiable issue for the SPLM. Use of land could not be divided as neatly as the profits from subterranean resources, and of course had a longer history of tradition. As a result a more complex regime had to be established.

In addition, while the undemocratic nature of the SPLM/A hierarchy allowed it more freedom to negotiate with the government than it might otherwise have enjoyed, the movement was still forced to address the priorities of southern constituents if it hoped to implement the agreement without significant continued resistance. This meant that championing land rights would take precedence over ownership claims on subterranean resources. For the SPLM/A, oil revenues might have been more valuable when reconstructing the south after over two decades of war. However, for the pastoralist and agrarian majority of southerners, as Lane explains, 'People don't actually see a lot of their own cultural or economic interests being articulated when you talk about oil. Because oil... they just pack it off out of the country in a huge pipeline, whereas land and their own economies are going to be much more poignant and meaningful.'[94]

OIL WEALTH AND THE SOUTHERN ARMY

SPLM/A concerns over the security situation created by oil wealth in Sudan, and its concentration in the south, facilitated the demand for the creation of a separate southern army, controlled solely by the Government of South Sudan. A southern army, independent of Khartoum's control, has been for southern rebels a longstanding condition in acquiescing to a united Sudan throughout both wars.

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[92] Tellnes, "Dealing with Petroleum Issues in Civil War Negotiations: the Case of Sudan," 15. Lane, interview.
[93] *Machakos Protocol*, 2002, sections 3.2.3, 3.2.4 and 6.4.
[94] Lane, interview. Lane adds that the non-economic significance of oil lay more in the method by which the pipeline had been built – 'by bombing people along the route out of the way during construction... It was fair to say that people did see a large symbolic issue in the oil, but as a symbol of oppression, not as a wealth generator in their daily lives.'

Southerners' demand for control over their own security has roots in the grievances southerners feel the national army and its militia allies have committed against southern civilians in the past, which have only been exacerbated by oil. Oil wealth did not create the desire among southerners for a separate army. Instead, southerners believed, as they had since independence, that the absence of security could be used to disenfranchise them politically in a united Sudan. This suspicion was retained even under ostensibly democratic governments, as in 1986 when the instability and chaos of the early second civil war led to the government cancelling voting in half the southern constituencies due to the unstable political situation.[95] The IGAD mediators noted the priority of a standing army for southerners as well. In his visits to the south during the Machakos process, Sumbeiywo discussed with various residents their concerns and objectives for a settlement. He observed that, 'the people did not mind dividing oil or living under *Sharia* law. All they wanted was their own army.'[96] As Garang stated, 'our guarantee is organic. The fact that Southern Sudan will have its own separate army during the interim unity in addition to the integrated forces and other security forces is the only fundamental guarantor and indeed the cornerstone for the survival of the Comprehensive Peace Agreement.'[97] It was yet another reason that a security agreement was the first protocol to be agreed upon after Machakos.

Insurgent preference for an unintegrated southern military force has been consistently advocated in negotiations concerning the southern question. At the 1965 Round Table talks, southern representatives had pushed for at least a southern militia, responsible to the national government, to operate in the south instead of the national army. Northern representatives refused, arguing that such an arrangement would compromise the nation's sovereignty by limiting the jurisdiction of the army, one of

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[95] "Raising the Stakes: Oil and Conflict in Sudan," 77. Oliver Albino, *The Sudan: A Southern Viewpoint.* London: Oxford University Press, 1970, 66. The 36 constituencies which did not have elections called were in areas at least partially under Anya Nya control.

[96] Waihenya, *The Mediator*, 111. Nicholas Coghlan. *Far in the Waste Sudan: On Assignment in Africa.* Montreal: McGill-Queens University, 2005, 207. Alier also notes that the failure of the AAA was a result of former Anya Nya who forgot that the south's military strength was its most important safeguard against future northern oppression. Alier blamed former military men in the insurgency for entering into the political environment of Khartoum, thereby allowing the command structure of the former Anya Nya to atrophy. In 2002, he asserted that during the ongoing peace process, southern negotiators should now fight to retain control of their own military apparatus.

[97] Madut-Arop, *Sudan's Painful Road to Peace,* 406. Ibrahim, interview. "Sudanese minister says 'unconventional method' used to achieve peace accord." *Sudan Tribune.* 5 October 2003. Sudanese Foreign Minister Mustafa Uthman Ismail concurred with the priority of security issues in the negotiations, noting a security agreement was the next logical step to comprehensive peace.

Sudan's strongest national institutions.[98] However, the northerners did not even seek to diffuse the issue of employment by integrating southerners into the existing security apparatus. Few southerners were given commissions to the army or inducted into the police academy or prison warden services from independence until 1965.[99]

The issue emerged again during the AAA negotiations. Government negotiator Abel Alier notes that during these discussions 'security was the area where the most sensitive nerve of the north-south conflict was embedded. All other matters, including the sharing of resources, depended on it.'[100] As in the Naivasha process 30 years later, security became the negotiators' top priority in the Addis Ababa discussions after making the initial breakthrough of agreeing to meet in the first place. The SSLM demand for a southern regional army almost led to a breakdown of negotiations, after which Ethiopian Emperor Haile Selassie was asked to personally intervene and guarantee southern security during the delicate process of integration.[101]

The SSLM believed it should control a southern army to protect the treaty in case the May Regime was overthrown in Khartoum, and a new government abrogated the AAA.[102] The government counterproposal of a 'road gang', or a border patrol, was rejected, primarily because it would pay members less than the national army and, because it would keep southerners in the countryside and out of the towns, where they felt they would be needed to protect civilians. The border patrol concept was the exact opposite of the SSLM vision of security in the south, in which the capacity to

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[98] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 37.
[99] Albino, *The Sudan: A Southern Viewpoint*, 104-105.
[100] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 106.
[101] Eprile, *War and Peace in the Sudan 1955-1972*, 151. Khalid, *Nimeiri and the Revolution of Dis-may*, 44. Taisier M. Ali, Robert O. Matthews and Ian Spears. "Failures in Peacebuilding: Sudan (1972-1983) and Angola (1991-1998)." *Durable Peace: Challenges for Peacebuilding in Africa.* Toronto: University of Toronto Press Incorporated, 2004, 287. Barbara F. Walter. "The Critical Barrier to Civil War Settlement." *International Organization* 51:3 (1997), 341. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 141, 146, 156. This guarantee was significant, as the concern of the safety of Anya Nya and other southern refugees returning home had been one of the points of contention that almost caused Lagu not to ratify the AAA. Barbara F. Walter. *Committing to Peace: the Successful Settlement of Civil Wars.* Princeton, New Jersey: Princeton University Press, 2002, 68, 97. Walter stresses the weak nature of this guarantee, since the Ethiopians were not physically in a position to guarantee the safety of the rebels on their journey from their bases in Equatoria to Addis Ababa. Rather, the emperor was using his prestige to help facilitate what was essentially a trust-building measure between the SSLM leaders and the Sudanese government.
[102] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 106. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 253.

defend southerners from Sudan's own troops was potentially more important than defending the national border.[103]

Security provisions were intensely debated in the lead-up to the AAA. A proposal discussed at the February 1972 negotiations was for a reinstitution of the Condominium-era Southern Command, with fixed ratios of southern to northern troops in the region. However, the two parties could not agree to the ratio: the government argued for three northern troops to each southern troop, southerners argued for the inverse ratio.[104] Khartoum's delegates also did not want to agree to any significant compromises without knowing the size of the Anya Nya force, though it was estimated to be from 10,000 to 15,000. In a move that would be emulated by the SPLA three decades later, the SSLM team did not want to reveal their total number of troops for fear it would compromise them should the agreement collapse. The government proposed that 15,000 troops be stationed in the south, half northerners and half southerners. The SSLM resisted this initially because only 4500 of its troops would have access to the armory. The rest would be prison wardens and police.[105] The security area was the most significant area of deadlock in the AAA talks, and required Carr to ask Emperor Haile Selassie to intervene. The Emperor was able to get the government to submit to a 50/50 ratio of troops in the south as long as the SSLM did. He leaned on the SSLM to accept the ratio.[106] After debate over numbers, southerners finally accepted 12,000 troops in the south, with half of them to be Anya Nya who would all have access to the armory.[107]

In the early 1970s, weakening the unity of the national military with an autonomous southern force was anathema to Khartoum: the military, upon which Nimeiri's vulnerable regime depended exclusively by 1972, was too important to the regime's

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[103] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 108.
[104] Eprile, *War and Peace in the Sudan 1955-1972*, 155.
[105] Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 138.
[106] Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 139-140, 178. Assefa notes that as Nimeiri and Haile Selassie cemented their relationship throughout 1971, it would become more difficult for Khartoum's negotiators to decline the emperor's suggestions during the peace negotiations. The SSLM also could not ignore his suggestions, as he was guaranteeing their safety. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 254. Lagu also testifies that it was the Ethiopian emperor, in order to break a deadlock over security issues by the parties at Addis Ababa, who suggested the final arrangement that southerners compose half the troops stationed in the south.
[107] Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 142, 152. Assefa writes that the Sudanese army numbered over 14,000 soldiers and 6,000 armed police in the south by the end of the war.

existence to be compromised. Integration of individual Anya Nya fighters into the national armed forces and other government sectors was unpopular and complicated, but Joseph Lagu's decision to lead by example and rejoin the army as a Major General may have helped facilitate the transition.[108] AAA moderator Burgess Carr explains that it was actually civilian politicians who could not agree on the composition of forces in the south, the military officers were more amenable to any proposal.[109] This underscores the point that a united military was more important to the political tenets of Sudanese nationalism than it was to actual military effectiveness.

In the south, however, protests for separate regional military arrangements persisted. Among a collection of proposed amendments to the AAA presented by Lagu to Alier on 27 March 1972 but later discarded were proposals to create two armies and two financial institutions.[110] Proposals such as this would re-emerge during the talks leading up to the CPA. As a recently commissioned captain in the Anya Nya, John Garang also voiced several early criticisms of the AAA, especially the integration of insurgents. He instead proposed three separate armies: one for the south, one for the rest of Sudan, and one that was a mixture.[111] This division of force was the foundation for the security agreement he negotiated personally with Ali Osman Taha 31 years later at Naivasha.[112]

Garang's advocacy of national revolution, as opposed to regional autonomy, meant that by the time the SPLA emerged in the early 1980s, he was no longer the most forceful advocate for the 'multiple army' solution. The idea was instead advocated

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[108] Khalid, *Nimeiri and the Revolution of Dis-may*, 44. A confidence-building factor for Lagu was Nimeiri's request that the Anya Nya leader send two hundred of his best fighters to be included in the Republican Guard, Nimeiri's personal escort.

[109] Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 139.

[110] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 119. The discarded amendment concerning the army in the south recommended replacing northern troops in the region with southern ones over a period of five years.

[111] Madut-Arop, *Sudan's Painful Road to Peace*, 23. Douglas H. Johnson and Gerard Prunier. "The Foundation and Expansion of the Sudan People's Liberation Army." *Civil War in The Sudan.* Eds. Daly, M.W. and Ahmad Alawad Sikainga. London: British Academic Press, 1993, 121. Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 261.

[112] Ibrahim, interview. Ibrahim quotes Garang as stating that, after the AAA, 'When we gave in our guns, we protected not the south, but the government.' Garang stated that southern fighters must avoid *mustaawbin*, or assimilation, by the government. Barltrop, interview. The need for a separate standing army was 'a lesson the SPLA drew from the AAA experience.'

by early southern adversaries of the SPLM/A, especially those at odds with the more militantly united vision Garang's movement championed for Sudan at the beginning of the second war. In November 1984, William Chuol, an Anya Nya 2 leader who was one of Garang's early rivals, put forward a federal plan to Nimeiri which was almost a confederation of the north and south. It too proposed the creation of independent regional Sudanese armies.[113] Throughout the rest of the 1980s, however, few of the charters or workshops instigated for the purpose of ending the war dealt seriously with the issue of reorganizing the army, possibly because none ever progressed far enough to tackle such a sensitive issue.[114] However, by July 1989, Garang was demanding from the new Bashir regime that in addition to a secular democratic regime, the SPLA troops must be reintegrated into the national army on a 50/50 basis.[115] The new demand was in response to the growing push within the insurgent movement, and the south generally, for southern regional autonomy as a more immediate goal than national revolution.

The ongoing debate about security provisions throughout the war, and their significance in concluding a final agreement, made the issue an obvious candidate to be addressed early on in the Naivasha process. The September 2003 Security Agreement, though the first protocol to be signed after the Machakos Protocol, took over a year to conclude. A catalyst was Bashir's angry July 2003 dismissal of the Nakuru document, Kenyan mediator Lazaro Sumbeiywo's attempt to break the deadlock over how to best follow up the breakthrough at Machakos.[116] Sumbeiywo had overreached with the document, but Khartoum's absolute rejection of it was

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[113] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 274. Madut-Arop, *Sudan's Painful Road to Peace,* 109. The plan was rejected by Nimeiri.

[114] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 305.

[115] Mohammed O. I. Maundi, William Zartman, Gilbert M. Khadiagala and Kwaku Nuamah. *Getting In: Mediators' Entry into the Settlement of African Conflicts.* Washington: United States Institute of Peace, 2006, 130.

[116] International Crisis Group. "Sudan: Towards an Incomplete Peace." 11 December 2003, 3. Immediately after the draft was presented, the government began forum-shopping again, seeking for either the African Union or Egypt and the Arab League to intervene, or at least for the dismissal of Sumbeiywo as IGAD's chief mediator. In interviews conducted with persons close to the proceedings during July and August 2003, ICG suggests it was the requested compromise on the status of Sharia law in the capital which most angered the government about the Nakuru document. The fact that the government party was guaranteed 51% of the National Assembly and could therefore pass new Sharia laws throughout the north was not in itself enough. ICG, "Sudan: Towards an Incomplete Peace," 4. Government delegates argued that Machakos had resolved the issue of state and religion, but Nakuru sought to open it up again. Waihenya, *The Mediator*, 116-117. The government rejected the document in part because of the clause proposing the two-army solution, but also because it allowed the first southern Vice President significant influence over national decisions made by the president. The most objectionable area was that which touched on compromising Sharia law.

viewed by several of the IGAD supporters in the West as indicative of a less than sincere commitment to the peace process.[117] This in turn increased pressure on Khartoum's new lead negotiator, Vice President Ali Osman Taha, to concede on at least on substantial point.[118] As a result, during the Naivasha process the government conceded to the two-army plan, along with the Joint Integrated Units. The funding of this became problematic, however, as Khartoum argued it could not finance a southern army that had until very recently been an insurgent force fighting against the state. The SPLA objected to that position, arguing that it would be contrary to the national, united spirit of the Security Agreement. However, the rebels finally conceded that the southern government would fund the southern army, primarily because it would not acquiesce to the national government's demand to reveal troop numbers and other details.[119]

Taha's consent to the removal of the national army from the south by July 2007 was popularly seen in the south as vindicating the SPLA's charge that the army had been an illegitimate occupying force.[120] The fact that Khartoum preferred to concede this point rather than compromise on issues such as *Sharia* demonstrates the lack of commitment to nationalist principles by the regime. Instead, Khartoum chose to rely on the SPLA's rival militias in the south to keep the region destabilized.

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[117] Young, "Sudan IGAD Peace Process: An Evaluation," 20. El Obeid, *Chronique Politique du Soudan 2003*, 9. Other objections the government had to the Nakuru document were that it played down unity during the interim period, that it allowed the SPLA a monopoly of power in the south versus other southern militias, and that it made the south a separate entity without any serious relationship with the federal government. El Obeid, *Chronique Politique du Soudan 2003*, 11. The cease fire extension of February 2003 was renewed in June 2003.

[118] Barltrop, interview. Barltrop notes the international pressure Khartoum was under to reach an accommodation on at least one point, particularly with the threat of new US sanctions contained in the Sudan Peace Act passed by the US Congress. He speculates that Khartoum might have conceded the southern demand for two separate armies in order to buy time to negotiate more complicated issues such as the status of Sharia law and of wealth sharing arrangements, and that the brevity of the security protocol compared to the later agreement would seem to confirm this. In addition, the clashes between the Sudanese army and the SPLA over the towns of Torit and Leer in late 2002 and early 2003, and the subsequent need to pass a cease fire resolution, demonstrated that security issues would be paramount to a successfully concluded final agreement. Young, "Sudan IGAD Peace Process: An Evaluation," 19. In the year that had passed since the July 2002 signing of the Machakos Protocol, the US and other IGAD backers had determined that at least some of the fault lay with government negotiator Ghazi Salahuddin Attabani. They thought Taha's status as Vice President, and his known reservations about conceding too much to the SPLA, would give him more authority as a negotiator and allow him to more quickly complete negotiations. Young reports that the US invited Taha to their London Embassy and told him that a concluded peace deal would result in better relations between Khartoum and Washington.

[119] Waihenya, *The Mediator*, 131. Justice Africa, 15 November 2004. Tabitha Jeptoo Seii. "The Intergovernmental Authority on Development (IGAD) and the Sudanese Peace Process." *The Sudan Peace Process: Challenges and Future Prospects*, Ed. John G. Nyuot Yoh and Eddy Maloka. East Lansing, Michigan: Michigan State University Press, 2005, 19. International Crisis Group. "Sudan's Dual Crises: Refocusing on IGAD," 3.

[120] Young, "Sudan IGAD Peace Process: An Evaluation," 21. El Obeid, *Chronique Politique du Soudan 2003*, 15. By the end of the war, the government had between 80,000 and 100,000 troops stationed in the south.

Walter submits that 'the key difference between interstate and civil war negotiations is that adversaries in a civil war cannot retain separate, independent armed forces if they agree to settle their differences.'[121] However, this norm of conflict resolution has been challenged by the CPA. The creation of two armies connected by a smaller integrated force was also the first example of Garang's strategy for the peace process: the creation of national institutions which could be easily separated in the event of southern independence. It was this principle of 'unity, with the capacity of separation', not that of regional devolution, which dictated the creation of southern institutions which mirrored national ones.[122] This bifurcated vision not only allowed Garang to appeal to the strong separatist movement within southern Sudan, but also to buy time in an interim period whereby the SPLM could consolidate its gains free of warfare.[123]

The meeting between Taha and Garang, which would move on to the security agreement after the stall in discussions following the Nakuru draft, saw both individuals overcoming internal resistance in their respective parties. Taha faced opposition towards meeting the head of the insurgency from the hard-line faction of the regime, in particular former presidential peace adviser Ghazi Salahuddin Attabani.[124] Garang was also almost detained in Rumbek by his own commanders, due to the widely-held reservations in the movement as to the wisdom of the SPLA commander meeting face-to-face with Vice President Taha in Kenya. These officers feared that the government's stalling after the Machakos Protocol was a tactic, and that Khartoum was not serious about a negotiated peace.[125] After the prolonged drama following the Nakuru draft in July to the signing of the Security Agreement in

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[121] Walter, "The Critical Barrier to Civil War Settlement," 337-339. 'Once they sign a peace treaty they cannot retreat to their own borders and defensively reinforce their militaries, they do not become trading partners or important allies, and they cannot hide behind buffer zones. Only if they are willing to relinquish control over occupied regions, vital industries and independent military organizations is a cooperative peace agreement possible… In civil wars, disarmament can be postponed, and it can be done gradually and in a reciprocal manner, but it can never be avoided.'

[122] Lane, interview. Lane cites Garang in 2003 declaring this expressly at one meeting with technical experts: national and southern bodies should be linked, but capable of separating should the south opt for independence. The creation of the Southern Sudan Land Commission, and Southern Sudan Petroleum Commission in addition to the National Land Commission and National Petroleum Commission as an example of this principle, as well as the SPLM push for a separate southern currency.

[123] Lane, interview.

[124] ICG, "Sudan: Towards an Incomplete Peace," 4.

[125] ICG, "Sudan: Towards an Incomplete Peace," 4-5. Waihenya, *The Mediator*, 122.

September, the parties took a hiatus from the talks in October 2003. This was in part because Taha and Garang had personally reached an impasse over the status of the Abyei region, and both men were feeling the pressure of internal politics within their own camps once again.[126]

OIL WEALTH AND SOUTHERN MILITIAS

The 2003 Security Agreement barred armed groups not aligned with either the national army or the southern army from operating in the Sudan. Such groups could be incorporated into either one force or the other, but could not operate independently.[127] The most obvious casualties of this provision were government-aligned militias whom Khartoum had relied on as proxies in its efforts to protect oil fields from SPLA attacks and to fight in areas of the south that were inaccessible to the national army. At critical periods of the war, when the army was reduced to occupying only key garrisons and larger towns in the south, these militias had remained in the countryside as a major antagonist to the SPLA.[128] As a final peace agreement seemed increasingly likely, the militias posed a problem in that they threatened the SPLA's status as the only lawful southern army. Continued South Sudan Defense Force demands for inclusion as a separate force in the security provisions were rejected outright by the SPLA, which felt that such a move would abrogate the security protocol. Once that protocol was compromised, the government might also try to reopen protocols it wished to see renegotiated.[129] SPLM/A leader and eventual Government of Southern Sudan president Salva Kiir would spend much of the interim period trying to neutralize the spoiler potential of the South Sudan Defense Force and other militias.[130]

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[126] ICG, "Sudan: Towards an Incomplete Peace," 7. As an indication of the poor state of relations between parties by October 2003, the government delegation sustained its involvement that month due to the Ramadan holiday, despite the fact that it had negotiated through that month in the previous year.

[127] Security Agreement, 2003, sections 7a and 7b. Seii, "The Intergovernmental Authority on Development (IGAD) and the Sudanese Peace Process," 20.

[128] John Young. "Sudan: A Flawed Peace Process Leading to a Flawed Peace." *Review of African Political Economy* 32:103 (2005), 109. Woodward, interview. "Raising the Stakes: Oil and Conflict in Sudan," 12.

[129] ICG, "Sudan's Dual Crises," 5.

[130] Woodward, interview. Ibrahim, interview. Ibrahim notes that the new southern army is becoming a loose confederation of southern militias. Interview by author with Monawar Sharif, Canberra, 2009. Sharif speculates that the only thing uniting the southern militias is the common threat of the north. Should the south secede from Sudan, it is possible that infighting will begin again. Ibrahim, interview. Ibrahim notes that this splintering potential also exists among militias in northern regions such as Darfur, since the unifying element of sectarian parties has been removed for 20 years. The Ansar movement united the people in the north, especially in Darfur.

Under the CPA, the national army is limited to keeping 24,000 troops in the south, as part of the Joint Integrated Units. Should the government wish to support southern militias, they would have to become part of this force.[131] Such absorption is unlikely to happen with a substantial amount of SSDF troops, as Khartoum surely realizes their secessionist nature would make them potential allies with the SPLA should the south chose to secede at the end of the interim period in 2011. As a result, immediately after the Security Agreement was signed in September 2003, John Garang sought to reach an agreement with SSDF forces, or at least begin a dialogue. Until the signing of the CPA, this effort had mixed results, partly because of SPLA miscalculations and partly because of government determination not to allow the two southern groups to get too close, either by limiting their contact or by exacerbating tensions between them.[132]

A critical point of contention between the SPLA and SSDF in the battle over which best represents southern interests is that of CPA wealth-sharing provisions, which are much less generous to the south, and the specific oil-producing regions, than the 1997 Khartoum Peace Agreement was. For example, under the KPA the south was entitled to 75% of the oil revenues generated in the south, while under the CPA the region was forced to settle for 50%.[133] The specific areas producing oil in the south were entitled to 40% of that revenue under the KPA, while under the CPA they receive only 2%.[134] This arrangement reflected the nature of the insurgent movements who had signed the agreement. The southern groups who signed the KPA were primarily composed of Nuer, the Nilotic people who lived in oil rich areas such as Bentiu.

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[131] ICG, "The Khartoum-SPLM Agreement: Sudan's Uncertain Peace," 9. Security Agreement, 2003, section 4.1c. In addition, the Nuba Mountains and Southern Blue Nile were each to host 6,000 Joint Integrated Units, and Khartoum 3,000.

[132] ICG, "The Khartoum-SPLM Agreement: Sudan's Uncertain Peace," 9. ICG, "Sudan's Dual Crises," 4. Garang and an SSDF delegation headed by Major General Clement Wani had been working since October 2003 in Naivasha to establish a multi-track south/south dialogue at political, military, and civil society levels. Efforts by the SPLM and the Southern Sudan Coordinating Council (the SSDF's closest equivalent to a political wing) to move the process forward had been stalled by the time of the CPA signing. El Obeid, *Chronique Politique du Soudan 2003*, 17. The SPLA and Lam Akol's SPLA-United, formerly a government supported militia, merged in a ceremony in Nairobi, October 2003.

[133] "Sudan: Wealth Sharing – Tougher Economic Issues than Oil to Address". *IRIN News Service.* Deng, "The Legal Implications of the Sudan Peace Process," 120. Goldsmith, Abura and Switzer, "Oil and Water in Sudan," 225. Makwak Teny. "We Are All The Boat of Peace." *Sudan Vision Daily.* 10 August 2004. *Khartoum Peace Agreement*, 1997, Annex 3.

[134] Young, "Sudan: A Flawed Peace Process Leading to a Flawed Peace," 107.

Many were suspicious of other southerners laying claim to what they saw as their wealth, particularly Dinka, and saw a tactical agreement with the government as the best way to secure their local interests. The SPLM/A, on the other hand, claimed that it was looking at the broader needs of the south. It conjectured that revenue largely did not need to be diverted to the oil areas, as they would already benefit from the development and infrastructure provided by oil companies and the national government, the Bentiu development being the most obvious example of this.[135]

The SPLM/A leadership realized that the legitimacy of their dominant position in negotiating for the south would hinge on what sort of compromise they could forge over substantive, technical issues such as the division of oil revenues. In the early post-Machakos protocol discussions about wealth sharing, the SPLM/A referred to the generous terms of the KPA regarding oil revenue for the south and insisted that if 75% was to be agreed to for a relatively less powerful, less broad-based southern insurgent group than the SPLM/A, the SPLM/A must have 90% of revenue.[136] By October 2003, after the signing of the Security Agreement, the SPLM/A scaled back its demands to 60% oil revenue for the south, 5% for oil producing regions and the rest for Khartoum.[137] It was not until the wealth-sharing protocol of January 2004 that the 50/50 arrangement was agreed to, after 2% was appropriated for the oil producing states specifically.[138] The SPLM appeared to join a National Petroleum Commission as a 'trade-off' for the government to concede 50% of the oil revenues. However, this was in keeping with the Machakos Protocol's framework of unity-based, integrated institutions.[139]

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[135] Euler, "Human Rights in Sudan," 50. Waihenya, *The Mediator*, 101. Madut-Arop, *Sudan's Painful Road to Peace,* 364-365. The Nuer composed over 90% of the first SPLA breakaway faction.

[136] Tellnes, "Dealing with Petroleum Issues in Civil War Negotiations: the Case of Sudan," 20. Wennman, "Wealth-Sharing Beyond 2011: Economic Issues in Sudan's North-South Peace Process," 17.

[137] Tellnes, "Dealing with Petroleum Issues in Civil War Negotiations: the Case of Sudan," 20. Wennman, "Wealth-Sharing Beyond 2011: Economic Issues in Sudan's North-South Peace Process," 17. Paul, Nantulya. "The Machakos Protocol and Prospects for Peace in Sudan." *Peacemaking* 4 (2003), 11. In the January 2003 IGAD session, the SPLA had also pushed for 60% revenue to be distributed to the south, while Khartoum insisted 10% was a more realistic percentage. At this session, the SPLA also proposed allowing a rotating head of the national government. Khartoum rejected this, arguing that national coherence would be important during the interim period.

[138] Wealth Sharing Agreement, 2004, sections 5.5 and 5.6. Skorupski, "Sudan's Energy Sector," 3. All the net oil revenue from oil states went to Khartoum, which then transferred made deductions for producer states, the Government of South Sudan, and the Oil Stabilization Account in the event that the oil prices surpassed an agreed upon price.

[139] Jostein F. Tellnes. "The unexpected deal: oil and the IGAD process." *Peace by Piece: Addressing Sudan's Conflicts.* Accord 18 (2006). London: Conciliation Resources, 2006, 39. Tellnes suggests Khartoum may have

Another issue of consideration was the method by which revenue was to be collected and divided. While the southern government was able to split non-oil revenue and taxes 50/50 with the national government, there was almost no tax base upon which to depend by 2005.[140] Almost all southern revenue would come from oil wealth, and little of it would be transferred from the national government. For the SPLM/A it was therefore vital to retain a large percentage of oil revenue.[141] This objective was not purely a symbolic gesture of the south reclaiming its resources. Because the method proposed by Khartoum, in which the national government made regular transfers of funds to the south, had been discredited after the May Regime failed to act on a similar system that had been implemented after the AAA.[142] The new arrangement also had appeal for separatists in the south: it would be easier for them to remind southerners that at the beginning of the interim period Khartoum had shown little interest in sharing national resources.[143] This tactic is in clear contrast with the AAA, which relied heavily on establishing mutual trust between the parties. The CPA was instead devoted to clarifying and codifying differences between the parties in such a way that they would not erupt into conflict.

In the days prior to the Wealth Sharing Agreement's conclusion, the government attempted to revive a section of the Nakuru Document which it had dismissed only six months earlier in which money would be transferred from the national government to the south according to an agreed percentage of the Gross Domestic Product.[144] The SPLM/A refused, and held to its demand for a direct sharing of oil revenues. The government finally conceded on this point, in a large part because of

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also anticipated its ability to manipulate the petroleum commission, this despite the SPLM's de facto veto power over that institution.

[140] Woodward, interview. Benaiah Yongo-Bure. "Peace Dividend and the Millennium Development Goals in Southern Sudan." Bremen: Institute for World Economics and International Management, 2005, 29. Rogier, *No More Hills Ahead?* 130.

[141] Tellnes, "Dealing with Petroleum Issues in Civil War Negotiations: the Case of Sudan," 22.

[142] Tellnes, "Dealing with Petroleum Issues in Civil War Negotiations: the Case of Sudan," 22-23. Wealth Sharing Agreement, 2004, sections 8.2.1 and 8.3. A Fiscal and Financial Allocation and Monitoring Commission (FFAMC) would be established to assure transparencies in fund transfers to the southern and state governments from the National Treasury Fund. The FFAMC would be composed of three members each from the national and southern governments, and the finance ministers of each state.

[143] Tellnes, "The Unexpected Deal," 40. Osman Antwi-Boateng and Geraldine Maria O'Mahony. "A Framework for the Analysis of Peace Agreements and Lessons Learned: The Case of the Sudanese Comprehensive Peace Agreement." *Politics and Policy* 36:1 (2008), 151. In addition, 'separatist motives mesh well with a position of prioritizing direct oil revenues over federal transfers.

[144] Tellnes, "The Unexpected Deal," 40-41.

actors outside the Sudan. Khartoum was under intense international pressure, particularly from the United States, to complete a comprehensive agreement during early 2004. When the SPLM/A renounced a claim to oil outside the south, the government finally agreed to the 50/50 division of southern oil.[145]

REGIONAL BOUNDARIES AND NATURAL RESOURCES

Redrawing boundaries to gain access to natural resources had been a regular method of depriving the south of wealth, and has been an issue of contention in both agreements. This tendency has been in practice as far back as the Abboud regime, when Khartoum transferred the copper-rich areas of Hofrat en-Nahas and Kafia Kingi from Bahr Al-Ghazal to Darfur province.[146] Part of the AAA stipulated that these areas were to be returned to Bahr Al-Ghazal, and Nimeiri's discrete leasing of Kafia Kingi to the Chevron oil company in the late 1970s, then outright transference of the area back to Darfur in 1980, was an early violation of the agreement.[147] Nimeiri also kept the proceeds from licensing the Bentiu oil fields, even though the AAA specified that the southern regional government was tasked with legislating where such revenue went.[148] By the 1980s, Nimeiri was demonstrating at least as much disdain for the integrity of Sudan's regional borders as any regime which had preceded him since independence.[149]

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[145] Tellnes, "The Unexpected Deal," 41.

[146] Seymour, "The Oil-Conflict Nexus in Sudan," 8. Peter Russell and Storrs McCall. "Can Secession Be Justified? The Case of Southern Sudan." *The Southern Sudan: The Problem of National Integration.* Ed. Wai, Dunstan M. London: Frank Cass, 1973, 111. Goldsmith, Abura and Switzer, "Oil and Water in Sudan," 200.

[147] *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of Sudan*, Chapter II, Article 3iii. Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 239-240. Lesch, *The Sudan: Contested National Identities*, 48. Douglas Johnson, *The Root Causes of Sudan's Civil Wars*, Bloomington: Indiana University Press, 2003, 44. Seymour, "The Oil-Conflict Nexus in Sudan," 8. Yongo-Bure, *The Economic Development of Southern Sudan*, 78-79. Bona Malwal. *The Sudan: A Second Challenge to Nationhood.* New York: Thorton Books, 1985, 32. Goldsmith, Abura and Switzer, "Oil and Water in Sudan," 223. R.K. Badal. "The Rise and Fall of Separatism in Southern Sudan." *African Affairs* 75:301 (1976), 144. In December 1980, a regional government bill included a map redrawing the boundaries to include Kafia Kingi and Hofrat en-Nahas in Bahr Al-Ghazal, as well as Bentiu, in which oil had been discovered two years earlier.

[148] Lesch, *The Sudan: Contested National Identities*, 48. *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of the Sudan*, Chapter IV, Article 11xiv. Young, "Sudan IGAD Peace Process: An Evaluation," 15. Goldsmith, Abura and Switzer, "Oil and Water in Sudan," 223. The ire of southerners was raised further in 1981, when the White Nile Petroleum Company was established by Chevron and the Sudanese national government, but without any southern representation.

[149] Lesch, *The Sudan: Contested National Identities*, 127. Federalism was another tool by which to redraw borders to disenfranchise the south. In 1993, Ali Al-Hajj, Minister of Federal Government Affairs, altered the borders again, giving the new state of South Kordofan control over Bentiu and nearby areas, and returning the Hufrat an-Nahas region to Darfur, along with thousands of acres of farmland. Such techniques have allowed

Under the Bashir regime, land can be allocated to affiliates of the regime without any process at all, as was the case in the early-1990s when Khartoum granted land to Osama Bin Laden and other radical Islamists.[150] The NIF has also used the prospect of granting West African immigrants, who have no prescribed Sudanese land of their own, land in use by communities which do not cooperate with the government. The rewarding of West Africans with land has also made them a loyal constituency of Khartoum.[151] It is impossible to tell how much land the Bashir regime has confiscated, particularly in regions such as Nuba Mountains, Southern Blue Nile and Northern Upper Nile, since the dearth of records on land registration makes it vague. In addition, some allocations have not been disclosed or put on the record to begin with.[152] The land registration process is still an unknown system to most rural Sudanese. It requires literacy and familiarity with government institutions, personal contacts with government officials and, occasionally, bribery.[153] The NIF has been able to pay off local administrators under the reinstated Native Administration system, dismissing those which are uncooperative with Khartoum's imperatives.[154]

The porousness of regional boundaries has also caused tensions which each agreement has had to address. After the abolition of Native Administration in 1971, commercial farmers moved in to northern farmland areas which had previously been administered by local authorities. These agricultural monopolies were better able to defend their land, forcing pastoralists to bring their herds to the lands of smaller, local farmers who could not afford to defend their land with guards. This caused much tension and conflict in areas such as South Kordofan.[155] These new schemes were dominantly rain-fed farms which could be established quickly and cheaply and

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Khartoum to reward its most loyal and effective militias in these areas, and are an especially pronounced demonstration of the patronage system in Sudan.

[150] Rahhal and Salam, "Land Rights, Natural Resources Tenure and Land Reform," 7.

[151] Rahhal and Salam, "Land Rights, Natural Resources Tenure and Land Reform," 9, 10. Rewarding these West Africans, many of whom have traditionally been guest workers for generations, with citizenship has been 'one of the few progressive acts by the NIF government'.

[152] Rahhal and Salam, "Land Rights, Natural Resources Tenure and Land Reform," 10.

[153] Rahhal and Salam, "Land Rights, Natural Resources Tenure and Land Reform," 6.

[154] Rahhal and Salam, "Land Rights, Natural Resources Tenure and Land Reform," 4.

[155] Rahhal and Salam, "Land Rights, Natural Resources Tenure and Land Reform," 4, 5. In the south, following the AAA, the roles of chiefs were not rescinded as elsewhere in Sudan, meaning that administration by traditional authorities was effectively not abolished after 1971.

expanded without authorization, often resulting in environmental degradation.[156] Between 1968 and 1986, the area of Sudan under mechanized farming more than quadrupled. They contributed to the 1984-1985 famine. While state-owned schemes were no longer expanded after the fall of the Nimeiri regime, their place was taken by private schemes well into the 1990s, many of which 'either were not registered, or expanded beyond their registered boundaries. These farms were effectively beyond the reach of law and regulation.'[157] The reallocation of land has been a major motivation for rural communities joining anti-government insurgencies.[158]

The contested border area of Abyei also complicates the CPA in terms of both security and natural resources. The protocol set up wealth sharing provisions for revenue from oil extracted from the area that were separate from arrangements in the south and the rest of the north. It became clear that during the interim period, most oil produced in the north of Sudan would come from the Abyei area, making it critical to the survival of the NCP government.[159] The national government was to receive 50% of revenue from Abyei, the Government of Southern Sudan 42%, and the local people and states, 8% total.[160]

The debate over the status of Abyei shared characteristics with that of the south as a whole. The SPLM/A first argued that Abyei should be transferred to the south by presidential decree. When the government refused to do this, the SPLM/A suggested a referendum, similar to but separate from that to be held in the south regarding self-determination at the end of the interim period.[161] Though the negotiations took place concurrent with the other Naivasha protocols, Khartoum would not discuss the interim status of the disputed areas under the auspices of IGAD. It would allow

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[156] Rahhal and Salam, "Land Rights, Natural Resources Tenure and Land Reform," 6. By contrast, the traditional irrigation required more investment, but was more reliable and led to less environmental degradation.
[157] Rahhal and Salam, "Land Rights, Natural Resources Tenure and Land Reform," 7.
[158] Rahhal and Salam, "Land Rights, Natural Resources Tenure and Land Reform," 10.
[159] International Crisis Group. "Sudan: Breaking the Abyei Deadlock." 12 October 2007, 1. Most of the oil produced in the north in 2005 came from Abyei.
[160] *The Resolution of the Abyei Conflict*, 2004, sections 1.2.3 and 3.1. ICG, "Sudan: Breaking the Abyei Deadlock," 9. ICG speculates that the increase in oil production over the interim period may mean Abyei's dwindling oil reserves are less hotly disputed by 2011. However, the pipeline infrastructure that has been set up in Abyei will ensure its importance in the years to come. ICG speculates more money might eventually be made from transit fees than from oil production within Abyei. Block 1 and Block 5a, where the Thar Jath field came online in August 2006, are both reliant on the Government of National Unity Oil Pipeline across Abyei.
[161] Nantulya "The Machakos Protocol and Prospects for Peace in Sudan," 13.

Sumbeiywo to represent Kenya, but not the regional body.[162] This condition was a continuation of Khartoum's desire to negotiate with insurgents in remote areas separately. Sumbeiywo asserts that Khartoum prevented him from including other parties in the CPA, instead inviting him to come to the separate peace negotiations in Darfur and the East if he wished.[163] It was also more evidence that Khartoum sought to cast the SPLA as an exclusively southern fighting force, with no legitimate claims to areas outside that region.

In Abyei, as in the south generally, the problems of oil merely built upon the pre-existing problems of identity. Resources alone cannot explain the significance of this area to understanding Sudanese conflict. Abyei remained a contentious issue in the years following the AAA, even before oil was a subject of dispute.[164] In the 1972 agreement, there was a subsection which allowed for areas of Sudan outside the Southern Region that were 'culturally and geographically' part of the south to be included in the region after a referendum on the motion, but no such referendums were ever held.[165] This section was inserted by Francis Deng, a member of the Ngok Dinka people living in Abyei, in a meeting with the SSLM delegation in London, before their trip to Addis Ababa in late 1971. It was not a reference to Abyei alone, but the Southern Blue Nile, Chali Al-Fil, the Nuba Mountains and any other border area which wished to have a referendum. Nimeiri opted not to implement this provision of the AAA, and no one in the High Executive Council, the only body which could legally protest under the AAA, was interested in strongly challenging the

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[162] Sumbeiywo, "The Mediator's Perspective," 24. Nicholas Fink Haysom. "Reflecting on the IGAD Peace Process." *Peace by Piece: Addressing Sudan's Conflicts.* Accord 18 (2006). London: Conciliation Resources, 2006, 30.

[163] Sumbeiywo, "The Mediator's Perspective," 27.

[164] ICG, "Sudan: Breaking the Abyei Deadlock," 9. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 132.

[165] *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of the Sudan*, Chapter II, Article 3iii. Francis Mading Deng and Mohammed Khalil. *Sudan's Civil War The Peace Process Before and Since Machakos.* Pretoria: African Institute of South Africa, 2005, 11. Coghlan, *Far in the Waste Sudan*, 220. Elias Nyamlel Wakoson. "The politics of Southern self-government 1972-1983." *Civil War in The Sudan.* Eds. Daly, M.W. and Ahmad Alawad Sikainga. London: British Academic Press, 1993, 33, 47. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 124, 132. Young, "Sudan IGAD Peace Process: An Evaluation," 15.

decision.[166] This situation was yet another example of the provincialism which defined southern administration after the establishment of the Southern Region.[167]

Redrawing the borders of states and provinces to manipulate natural resources has been a constant theme in the history of independent Sudan, but nowhere more so than Abyei in the years leading up to the CPA. Khartoum created the Heglig locality in 2000 and Sitep locality in 2005, essentially removing oil areas from Abyei province proper.[168] SPLM officials charge Khartoum with moving Heglig oil field, the second largest in Sudan, from the Pariyan district in the Upper Nile to Kordofan in December of 2004, just before the CPA was signed.[169] This action denied a large source of income for the southern government, debilitating its effectiveness from the very start. Under the CPA, the issue was deferred to a boundary commission that would make its recommendation in mid-2005, in the wake of both Ngok Dinka and Misseriya leaders declaring they would fight if the new borders were not favorable to each respective group.[170]

The government sought to assert northern dominance over the Abyei areas wherever possible in the negotiations. They also demanded that mediators come from the regions being negotiated. Their subsequent presentation of a Misseriya Arab as a negotiator drew objections. The Misseriya visited Abyei seasonally, and the SPLM/A refused to accept that they had the status of 'residents'.[171] During the January 2007 celebrations in Juba marking the second anniversary of the signing of the CPA, Bashir claimed that the experts in the commission on Abyei's borders had exceeded their mandate, and did not produce a map describing the Ngok Dinka area

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[166] Johnson, interview.

[167] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 317. Lagu blames Alier, HEC president after the AAA, for failing to raise the issues of contested areas such as Abyei and Hufra el-Nahas as stipulated in the agreement. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 539. By 1980, southerners were complaining about the constant delay of Abyei's right to a referendum over its status.

[168] ICG, "Sudan: Breaking the Abyei Deadlock," 5.

[169] International Crisis Group. "A New Sudan Action Plan," 26 April 2005, 4. HRW, "The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan," 12. ICG, "Sudan: Breaking the Abyei Deadlock," 7. ICG claims to have a copy of the order transferring Heglig signed by Nafie Ali Nafie, a senior NCP official. Johnson, interview. Johnson notes that because of the way the borders have been drawn in South Kordofan, the Nuba have become essentially 'a permanent minority'.

[170] *Resolution of the Abyei Conflict*, 2004, section 5. ICG, "The Khartoum-SPLM Agreement: Sudan's Uncertain Peace," 14. Stiansen, "GOS Revenue, Oil and the Cost of the Civil War," 24.

[171] Jason Matus. "The three areas: a template for regional agreements." *Peace by Piece: Addressing Sudan's Conflicts.* Accord 18 (2006). London: Conciliation Resources, 2006, 35.

transferred in 1905 to Kordofan, instead producing a map showing the 1965 settlement. Because they did not produce the 1905 map, Khartoum claimed the commission had forfeited the right to decide the issue. In his speech at the January 2007 event, Kiir reiterated the SPLM position that the south would only accept the position of that commission.[172] Luka Biong Deng believes that the debate over the Abyei commission was meant simply to delay the implementation of that protocol, and its agreement on the extraction of oil in that region, noting that it is estimated that Abyei produces 65% of oil in the north.[173] The fact that the Abyei compromise was seen as so unsatisfactory by both parties' local constituents there explains why it was the only text of the CPA 'for which neither side claims any ownership.'[174]

DEVELOPMENT AND THE PATRONAGE STATE

National development in Sudan has followed the same riverine-oriented patterns as other economic and political activities, and was not drastically changed by the AAA. As the initial goals of the British in Sudan were not primarily economic but strategic, only selective, government-dominated development was to be stressed in the Sudanese territory under the Condominium. Such planning enhanced the center-periphery pattern of development and the disparity of economic and political integration of the outer regions with the riverine north. The earliest infrastructure projects entailed building a modern port on the Red Sea and a few railroads so Sudan was more easily accessible to trade.[175] While the railroad was able to eventually reach deep into Kordofan by 1911, railway construction in the south was still too technically challenging and economically unfeasible.[176] Economic development projects which enhanced the centralized nature of the state, such as the Gezira agricultural scheme and the White Nile pump schemes of the 1930s, were encouraged.[177] Remote areas of the west and south, on the other hand, were generally

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[172] Luka Biong Deng. "The Sudan CPA: A Framework for Sustainable Peace and Democratic Transformation of Sudan." Address to the US Congressional Subcommittee on Africa and Global Health. 24 January 2007.
[173] Deng, "The Sudan CPA."
[174] Stiansen, "GOS Revenue, Oil and the Cost of the Civil War," 24.
[175] John Voll and Sarah Voll, *The Sudan: Unity and Diversity in a Multicultural State.* Boulder, Colorado: Westview Press, 1985, 96-97. A major project in the first decade after conquest was the construction of a modern port, Port Sudan, to replace the aging port of Suakin. It was completed by 1909.
[176] P.M. Holt. *A Modern History of the Sudan.* London: Weidenfeld & Nicolson, 1961, 121.
[177] Peter Woodward, *Sudan, 1898-1989: the Unstable State*, Boulder, Colorado: L. Rienner Publishers; London: L. Crook Academic Pub, 1990, 54. Benaiah Yongo-Bure. "The underdevelopment of the Southern Sudan since

neglected. Southern Sudan not only had little development, it was not even economically incorporated with the rest of the state. The effects of southern isolation were apparent only a few years after the formal 1930 implementation of the Southern Policy. As the decade progressed, British officials finally started becoming concerned about the stagnation of region, with Governor General Sir Stuart Symes writing in 1936 that Uganda was 25 years ahead of the south.[178] 'Southern Policy', with its technique of fostering purely local institutions, was creating a stationary condition that was 'a negation of our trusteeship'.[179] The early independent Sudanese state generally was unable to promote development throughout the countryside, instead building on the economic structure inherited from the British, who left only a few small development projects in the south. Despite rhetoric advocating *laissez faire* capitalism for the region, economic projects during the Condominium were directed by the state, yet pursued neither the goal of developing any industry in the south nor of tying the region economically to the rest of the Sudan.[180] This trend was not rectified with independence, but exacerbated. From the late 1950s until 1972, there was almost no economic development in the south. The Abboud regime relocated projects that were to be built in the south northwards to accommodate northern power centers.[181]

While the AAA recognized that natural resources might be an issue of contention, it did not adequately address the problem. One article allows the Regional Assembly control of legislation over mines and quarries in the south, so long as such laws do not conflict with the rights of the national government. The constitution of the regime, however, declared that such resources were property of the state, which

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independence." *Civil War in The Sudan.* Eds. Daly, M.W. and Ahmad Alawad Sikainga. London: British Academic Press, 1993, 52.

[178] Woodward, *Sudan, 1898-1989: the Unstable State*, 49.

[179] G.N. Sanderson. "The Ghost of Adam Smith: Ideology, Bureaucracy, and the Frustration of Economic Development in the Sudan, 1934-1940." *Modernization in the Sudan.* Ed. M.W. Daly. New York: Lilian Barber Press, Inc, 1985, 107. Symes conjectured that southern development would have to be selective and be confined to productive 'pockets'. The sheer cost of development meant there would have to be some static areas in which a 'care and maintenance' policy would be enacted, whereby administrative costs were kept austere.

[180] Yongo-Bure, *The Economic Development of Southern Sudan*, 11. Sanderson, "The Ghost of Adam Smith," *Modernization in the Sudan.* Ed. M.W. Daly. New York: Lilian Barber Press, Inc, 1985, 107-108, 115.

[181] Yongo-Bure, *The Economic Development of Southern Sudan*, 11. Most significant were the northern relocation of a sugar factory originally located near Mongalla and a paper factory originally built in Malakal.

would control how they were extracted.[182] This reality means that the conditional autonomy of the region over its natural resources was a fiction. The 1972 agreement may not have been consciously constructed to adapt to the neo-patrimonial system of Sudan, but it nevertheless adhered to its logic closely. The drafters of the agreement sought to give the south regional power, which it wanted, and ties to bind the region to the north, which the national government wanted. The resulting compromise was a form of dependent regionalism. The north provided most of the domestic funding and administration in the south as the southern economy, devastated by years of war, was incapable of propping itself up.[183] The AAA – at least its financing – had been based on the constant reality of southern poverty, as had been the initial decision by the British to keep Sudan united.[184] Alier notes that during the AAA talks, some government delegates relied on the poverty of the south to keep the state united, despite rebel talk of secession.[185] Southerners continued to rely after 1972 on Arab traders from the north to import goods, as little was manufactured in the region.[186] The institutions created by the AAA were heavily dependent on Khartoum financially, as a viable internal revenue base was never established, and developing the post-war southern economy had never been a priority of the state.[187] Yongo-Bure, in his listing of several projects which were begun after the post-AAA peace but never completed, surmises that they had been initiated to politically placate southerners, without long-term investment or economic viability being a

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[182] *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of Sudan*, Article 11xiv. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 48.

[183] Woodward, *Sudan, 1898-1989: the Unstable State*, 143. Euler, "Human Rights in Sudan," 21. Church organizations, NGOs and the UN would also contribute, but the vast majority of funds raised for the south were allocated by Khartoum.

[184] Seymour, "The Oil-Conflict Nexus in Sudan," 6. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 156. Lesch, *The Sudan: Contested National Identities*, 32-33. Robert O. Collins, *Shadows in the Grass: Britain in the Southern Sudan, 1918-1956.* New Haven & London: Yale University Press, 1983, 291.

[185] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 102.

[186] Mohammed Suliman. "Civil War in Sudan: The Impact of Ecological Degradation." *Environment and Conflicts Project (ENCOP)* Occasional Paper No. 4. Center for Security Studies and Conflict Research, Swiss Federal Institute of Technology. December, 1992, 4. Telephone interview by the author with Benaiah Yongo-Bure, Flint, 2009.

[187] Euler, "Human Rights in Sudan," 21. Woodward, *Sudan, 1898-1989: the Unstable State*, 143. "Sudan: Wealth Sharing – Tougher Economic Issues than Oil to Address." *IRIN News Service.* December 2002. Ali, Matthews and Spears, "Failures in Peacebuilding: Sudan (1972-1983) and Angola (1991-1998)," 289. NGOs were crucial in sustaining the AAA financially. One, Norwegian Church Aid, spent US$20 million from 1977 to 1986 in East Equatoria alone, more than the High Executive Council had spent in the entire Southern Region.

consideration.[188] Funds were to be transferred to the regional treasury for southern development projects, but few were forthcoming.[189] The Southern Region received less than US$5 million from international aid for southern development, less than 10% of what was expected.[190]

A month after the signing of the AAA, Nimeiri signed a law which allowed the regional government to collect taxes imposed on the south by the central government. However, income taxes were difficult to collect in the south, as were excise duties of goods coming into the south from the north.[191] This only increased regional dependence on the north. For most of the inter-war period, development funding for the south was between a third and a fourth of what had been budgeted. Most funding came from foreign sources or from inflationary financing: extra money printed by the government.[192] Khalid and Yongo-Bure write that, between 1972 and 1977, only 20%

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[188] Yongo-Bure, *The Economic Development of Southern Sudan*, 71-72. Yongo-Bure believes that 'earmarking of funds for the reconstruction of the basic minimum transport, energy, and financial infrastructure, educational institutions and the establishment of building industries should have been basic prerequisites before a peace agreement could be signed'. Without agricultural development in the region, there could be no viable industrialization projects. Sharif, interview. Wakoson, "The politics of Southern self-government 1972-1983," 44. Ali, Matthews and Spears, "Failures in Peacebuilding: Sudan (1972-1983) and Angola (1991-1998)," 289. Such projects included a beer brewery in Wau, sugar-refining projects in Mongalla and Melut, a rice scheme and a hydroelectric power plant near Juba. Catherine Jendia. *The Sudanese Civil Conflict: 1969-1985.* New York: Peter Lang, 144, 155. Jendia notes that, while banks were established in the south during the 1970s, the Islamization of the monetary system by the end of that decade impeded their use in the region. By 1984, the implementation of the Islamic banking system halted all development investment in the majority non-Muslim south.

[189] *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of the Sudan*, Appendix B, article 1. Jendia, *The Sudanese Civil Conflict: 1969-1985*, 144. Luka Biong Deng, "Education in Southern Sudan: War, Status and challenges of achieving Education for All Goals." *Respect* 4 (November 2006), 5. Deng charges that less than 20% of the money budgeted for the Southern Region was actually transferred during the period from 1972-1983, and that wealth disparity continued to increase between the north and south during this time. Wakoson, "The politics of Southern self-government 1972-1983," 38. Jendia, *The Sudanese Civil Conflict: 1969-1985*, 170. Wakoson and Jendia confirm the growth of this disparity during the period between wars. Mom Kou Nhial Arou, "Devolution and the Southern Problem in the Sudan." *Post-Independence Sudan.* Ed. C. Allen. Edinburgh, University of Edinburgh, 1981, 137. Arou notes that in 1978-1979, the Southern Region was to be allocated 13.8 million Sudanese pounds, but only received 5.6 million.

[190] Ali, Matthews and Spears, "Failures in Peacebuilding: Sudan (1972-1983) and Angola (1991-1998)," 288. Jendia, *The Sudanese Civil Conflict: 1969-1985*, 144-146. Jendia charges that potential infrastructure projects to tie the south economically to the north were ignored. Only three of the many large bridges destroyed during the war were rebuilt. Flights to southern towns became sporadic. From the special development fund set up for the south, the region actually received less than 23% of its annual budget. Jendia also lists the meager fraction of development funds actually received during the five years following the AAA, and concludes that it was simply too insignificant to contribute to any lasting development in the region. Yongo-Bure, *The Economic Development of Southern Sudan*, 48, 56. Jendia, *The Sudanese Civil Conflict: 1969-1985*, 177. Significant foreign resources were obtained from states such as the United Kingdom, Denmark, Germany, The Netherlands and Canada, but they were restricted to specific projects in the Southern Region and could not be dispersed where the regional government felt they were most needed.

[191] Yongo-Bure, *The Economic Development of Southern Sudan*, 138-139.

[192] Yongo-Bure, *The Economic Development of Southern Sudan*, 142-143.

of the development funds slotted for the south were actually delivered.[193] Southern inefficiency and poverty disguised the neo-patrimonial nature of the AAA, but the production of oil revenues or any other path to financial independence had the potential to upset this dynamic. An example was when the south began benefiting from its geographic location when, by the early 1980s, the Equatorian border town of Yei became the second largest customs duty point in the whole of Sudan. At this point, the central government withdrew the right of the regional government to collect this revenue.[194]

The south was simply not seen as a viable entity economically, and the AAA was an early attempt to incorporate southern elites into the northern patronage system.[195] Force and aggressive development suited exclusively around the needs of the central state had been met with southern resistance during the early years of independence, so some sort of compromise had to be made with moderate insurgent leaders. The patronage state could not exist without creating significant amounts of disparity between those with the support of the government and those without it, since it becomes difficult for a government to provide economic incentives for its base and clients if it is easier for them to achieve economic success independently. By the late 1970s and early 1980s, most development projects had been established in the central riverine areas, especially Khartoum and Gezira. Remote regions did not receive the benefits of inaccurate economic projections such as development funds, but did receive related disadvantages such as increasing inflation and chronic shortages of basic goods.[196] Sidahmed reports that in the mid-1960s, a study found that nearly

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[193] Khalid, *The Government They Deserve*, 274. Yongo-Bure, *The Economic Development of Southern Sudan*, 31. Funds meant for development were often diverted towards building up the southern public service and the new institutions of the semi-autonomous southern region.

[194] Yongo-Bure, *The Economic Development of Southern Sudan*, 140. Luka Biong Deng. "The Sudan Comprehensive Peace Agreement: Will It Be Sustained?" *Civil Wars* 7:3 (2005), 251. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 57, 130. The regional government has complained to the north that receipts from air and rail transport, excise duties and revenue from customs and other government institutions went to Khartoum rather than the south. For this, the region conveyed to Khartoum that it was unable to collect the revenues assigned to it in the AAA, noting that to collect the revenue as stipulated in the agreement required access to precise statistics concerning revenue and tax which the regional government did not have. Additionally, the national government failed to provide funds to help southern development, providing only a fraction up to 1974. A third concern was the small fraction of the national budget which was contributed to the south: the regional government received a 14% share for the 1977-1978 year, and just an 11% share of the budget during the 1978-1979 year, despite the fact that the region represented over a quarter of Sudan's population.

[195] Howell, "Horn of Africa," 425.

[196] Yongo-Bure, *The Economic Development of Southern Sudan*, 53. Timothy Niblock. "Numayri's Fall: The Economic Base." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo

75% of Sudan's industrial plants were located in the Khartoum area. By the mid-1970s, another study observed that nearly all towns with an industrial base were still located in the central riverine area of Sudan.[197] Development throughout the nation-state after the AAA was focused on the regime's immediate political goals. An environment was created surrounding the Gunaid sugar factory in which government bureaucrats patronized union leaders at the expense of unskilled laborers, whose vast number did not translate into political capital. The union leaders were usually affluent merchants who benefited more than the poor farmers as a result. This pattern continued throughout the late Nimeiri regime.[198] Neither did the AAA abate the reality that from independence, northern administrators in the south typically did not collected rents in the region from their relatives and associates.[199]

Nimeiri's accelerated devolution into patronage politics coincided with the failure of development projects in the mid-1970s, when the regime pushed for further reliance on wide-scale agricultural schemes to sustain the economy. As a result, mismanagement of several agricultural schemes throughout the 1970s and 1980s led to the disruption of the agrarian economy and mass displacement, trends which simply exacerbated the disparity of conditions upon which the patronage state relied.[200] The decline of this vital economic sector led to a shrinking base of support for the regime, which meant Nimeiri increasingly needed to ensure the support of the

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and Peter Woodward. Dorset: Gower Publishing, 1986, 36-38. Nimeiri's about face on nationalization of industry led to new projects by Western companies such as Hilton, Texaco and Chevron, which began exploring the oil potential of Southern Region in 1976 in concert with British companies. Ibrahim, interview. Ibrahim notes that the foundations for some factories were laid, but the factories themselves were not built. In some cases, industrial machinery imported was outdated or not standard. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 92. The author blames the early nationalization period of the May Regime for overstretching 'the administrative capabilities of an already inefficient civil service, and as a result a number of projects were ill-concieved, and poorly planned and executed.' Consequently, they wasted the state's few resources.

[197] Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 142.

[198] Ahmed Mustafa Al-Hussein. "Regionalisation: Devolution and national integration in the southern Sudan." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 111, 119. Al-Hussein also notes that the union leaders were in many cases the same figures who had previously composed the Native Administration apparatus until its abolishment in 1971.

[199] Yongo-Bure, *The Economic Development of Southern Sudan*, 148. Yongo-Bure cites an incident in 1978 when a town clerk in Malakal began to collect this rent, complete with arrears. After the merchants affected reported the incident to Nimeiri, the clerk was dismissed and his collections halted.

[200] Aleksi Ylönen. "Grievances and the Roots of Insurgencies: Southern Sudan and Darfur." *Peace, Conflict & Development* 7 (July 2005), 120-121, 130. Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 118. Suliman, "Civil War in Sudan: The Impact of Ecological Degradation," 17, 26. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 69. Funding for such projects came from international sources. By 1975, Nimeiri's regime had borrowed approximately US$300 million, 42% from other Arab states.

military, even at the expense of the national economy. It also gave added incentive for Nimeiri to seek as much control over oil revenues as possible, which in turn put pressure on him to abrogate the AAA.

Early controversies in the planning of development of the oil regions discovered along the north-south border in 1978 contributed both to southern resentment of the national government for denying southern access to economic activity and to southern contempt for their regional government. The construction of a refinery, which would have led to both development and employment in the southern region, was instead to be built in the north.[201] HEC president Abel Alier's reluctant acceptance of this decision as in accordance with the AAA damaged the regional government's legitimacy, thereby making it easier for Nimeiri to further defy that agreement.[202] Southern objections during this period were not to a claim of ownership of the oil, but to southern exclusion from opportunities for development, employment, and representation in the division of oil wealth. Southerners had been denied positions on the board of Sudan's national White Nile Petroleum Company.[203] Even the headquarters of Chevron, the company with concessions in the region, remained based in the northern city of Muglad, and away from the oil fields.[204] Chevron would become involved directly in tribal conflict, allegedly attempting to regain control over its operations in 1988 by sponsoring a Baggara militia to protect the oil fields from southern insurgents.[205]

The end of Nimeiri's regime may have halted the corruption directly tied to him, but did not end the erosion of agricultural resources nationwide. The resulting

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[201] Badal, "The Rise and Fall of Separatism in Southern Sudan," 148-149. Wakoson, "The politics of Southern self-government 1972-1983," 45. Jendia, *The Sudanese Civil Conflict: 1969-1985*, 149-151. Kok, *Governance and Conflict in the Sudan 1985-1995*, 133. Yongo-Bure, *The Economic Development of Southern Sudan*, 78. Over the objections of many southern politicians, Nimeiri finally decided to go along with Chevron's plan to move the refinery to Kosti in 1981, but that project was eventually abandoned in favor of a pipeline to the Red Sea.

[202] Jendia, *The Sudanese Civil Conflict: 1969-1985*, 151. Badal, "The Rise and Fall of Separatism in Southern Sudan," 148-149. As HEC president, Alier could recommend the refinery be built in the southern region, but had no further recourse if his recommendation was rejected by the president, which it was.

[203] Yongo-Bure, *The Economic Development of Southern Sudan*, 78-79. Badal, "The Rise and Fall of Separatism in Southern Sudan," 150-151.

[204] Badal, "The Rise and Fall of Separatism in Southern Sudan," 150-151. In another example of the provincialism which marked the south in the post-AAA period, the only part of the Southern Region which supported Alier in his decision was the Jonglei area of the Upper Nile, his home territory.

[205] Goldsmith, Abura and Switzer, "Oil and Water in Sudan," 224. Chevron withdrew only two years later, in the wake of the NIF-supported coup.

desertification from the farming schemes pressured nomadic peoples in the provinces of Kordofan and Darfur to move further south in search of water, leading to even greater conflict along the north-south border, and creating a body of disaffected northern tribesman from whom Sadiq Al-Mahdi would form some early Popular Defence Force militias.[206] Southern agriculture languished, even more badly affected by mismanagement and neglect than that in the north. The Zande scheme was reactivated after the AAA, but by the early 1980s, farmers who had worked the scheme after the government promised them good wages were not receiving customers to buy their cotton.[207] By 1978, the difficulties of increasing agricultural activities with so little financing for the region had been recognized, and cooperatives were set up to help minimize costs. Finances were not even available for these relatively cheap activities, however.[208] Half-hearted attempts were made by the government to take advantage of the wildlife in the south, as national parks and game reserves were established, though not developed significantly.[209]

Poverty actually increases the effectiveness of the patronage system, stabilizing it 'since critics of regimes and even the politically passive had to consider whether they needed to find a place in these political networks to secure exemption from insecurity and want'.[210] Aside from an adherence to the traditional Islamic tenet of charity, neither of the sectarian parties in power attempted to expand social services widely to more remote areas, or even to the urban poor in central areas. Nor has the Bashir regime sought to extend these services.[211] The May Regime, in its early Arab socialist incarnation, did seek to change this dynamic, but was unable to popularize socialism

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[206] Woodward, *Sudan, 1898-1989: the Unstable State*, 191. Øystein H. Rolandsen. "Sudan: The Janjawiid and government militias." African Guerrillas: Raging Against the Machine. Eds. Bøas, Morten and Kevin C. Dunn. Boulder, Colorado: Lynne Rienner, 2007, 163.

[207] Yongo-Bure, *The Economic Development of Southern Sudan*, 36.

[208] Yongo-Bure, *The Economic Development of Southern Sudan*, 47.

[209] Yongo-Bure, *The Economic Development of Southern Sudan*, 24.

[210] William Reno. "Sovereign Predators and Non-State Armed Group Protectors?" *Curbing Human Rights Violations of Armed Groups.* UBC Center of International Relations. 13-15 November 2003, 4.

[211] Justice Africa, 15 November 2004. Hamid, "Aspects of Sudanese Foreign Policy," 127. Peter Bosshard and Nick Hildyard. "Peace, democracy and the environment." Sudan: Prospects for Peace. Eds. Marion Couldrey and Tim Morris. *Forced Migration Review* 24 (November 2005), 60. While Sudan has an estimated 40 million people, only 700,000 have regular access to electricity. 70% of these live in the greater Khartoum area. Agnés De Geoffroy. "IDPs and urban planning in Khartoum." Sudan: Prospects for Peace. Eds. Marion Couldrey and Tim Morris. *Forced Migration Review* 24 (November 2005), 38. The camps of internally displaced persons which have been constructed over the decades in Khartoum's outer limits have not been integrated into the city. Few are connected to the water supply or power grid. Telephone interview by the author with R. S. O'Fahey, Oslo, 2009. There is almost no development outside the three towns, and the cost of living in Khartoum and surrounding areas has gone up considerably in comparison with the rest of Sudan.

in Sudan, and instead was forced to settle for creating a more inclusive patronage system involving southerners. The promise of southern oil wealth seemed to have the potential to change the center-periphery dynamic and disrupted the patronage system. As Alier writes, 'remove poverty from the south and Sudan's unity would be shaken, especially now that that other weapon, the army, was no longer effective after the AAA.'[212] Ultimately, oil revenues did not change the patronage character of the Sudanese state, they only intensified it. The highly coordinated nature of oil production allows it to be easily consolidated into patronage networks, advancing hierarchical and centralized power in a way more easily transportable resources typically do not.[213] As a result, southern rebels have never been able to take advantage of the resource-richness of their territory in the manner that insurgents have been able to in diamond-producing areas of West Africa, for example. The remoteness of southern Sudan and its poor infrastructure also precludes extensive trade of other resources the region contains in abundance, such as timber.[214] Seymour suggests that the absence of easily marketable resources – or of easy access to markets – may actually have helped the SPLM/A stay ideologically coherent in its crucial formative years, and prevented Anya Nya 2 separatists from being able to fund their less organized – though ideologically more popular – militias.[215] This theory also explains why economic determinist models cannot fully account for the nature of Sudanese conflict, or the priorities addressed within the peace agreements.

Like Nimeiri, the Bashir regime has sought to perpetuate its patronage system under the rubric of decentralized authority. While the former sought to advance regional

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[212] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 236.
[213] Seymour, "The Oil-Conflict Nexus in Sudan," 13. Johnson, *The Root Causes of Sudan's Civil Wars*, 165.
[214] Al-Shahi, interview. Yongo-Bure, "Peace Dividend and the Millennium Development Goals in Southern Sudan," 8. Timber may have been a difficult product for rebels to market during the war, but Yongo-Bure believes it is on schedule to become one of the lead sectors of development and reconstruction for the post-war south. Yongo-Bure, interview. Yongo-Bure notes that in the 1990s, local SPLA commanders allowed timber to be cut by logging companies in Uganda and the Congo for a fee, but it never became a large financing operation for the movement. In addition, gold in the Equatorian town of Kapoeta was used to fund the early stages of the SPLA, and was smuggled out of Kenya and Ethiopia. Yongo-Bure, *The Economic Development of Southern Sudan*, 34-35. Coffee growing schemes which could have been prosperous also foundered, because of a lack of funding and the poor infrastructure in the region which sometimes made transporting the product cost prohibitive.
[215] Seymour, "The Oil-Conflict Nexus in Sudan," 19. Johnson, *The Root Causes of Sudan's Civil Wars*, 165. Nicole Ball. "The Challenge of Rebuilding War-Torn Societies." *Turbulent Peace: The Challenges of Managing International Conflict.* Eds. Crocker, Chester A., Fen Osler Hampson and Pamela Aall. Washington DC: United States Institute of Peace Press, 2003, 724. This is in keeping with Ball's assertion that the initial transition from war to peace in civil conflict is nearly impossible if the parties have access to natural resources that are lucrative commodities on the international market.

autonomy in the early 1980s, the latter created a federal system in the 1990s in which power nevertheless came from the top down at a national level. Post-AAA, Nimeiri's government was able to politically marginalize the south again by abolishing the Southern Region's right to tax the extraction of natural resources in its territory.[216] In such a way he was able to undercut the powers of the south while championing devolution on a national level. The NIF regime's selective understanding of federalism follows a similar logic. Under its 1998 federalization system, oil revenue-sharing did not extend to the state level, leaving states with a limited base for tax revenue.[217] Both regimes relied on the details of financing and taxation to retain central power.

Both peace agreements are to be examined in the context of this neo-patrimonial machinery. The patronage economy, by subjugating commercial activity and civil society to political and military networks, allows the state to rely on means other than coercion to control or isolate various elements of opposition. These include buying off rival factions, or creating or subsidizing new ones.[218] While Nimeiri was only able to oppress or accommodate the traditional northern sectarian factions, Bashir has been able to divide them and further manipulate them. His ultimate goal, the preservation of his regime, is the same as Nimeiri's, but oil wealth has given him more options. Nimeiri was forced to turn to Islam to consolidate his regime's power, but oil revenues allowed Bashir to turn away from Islam, at least the more revolutionary version espoused by Turabi, to consolidate his own regime's power.[219] The early Bashir junta was dependent on a similar fragile coalition as the late Nimeiri regime: Islamists and certain elites in the commercial class and the military. After early consolidation of its rule, Bashir's regime faced difficulty in expanding its base during the early 1990s, when wealth disparity and poverty increased in Sudan to

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[216] Ylönen, "Grievances and the Roots of Insurgencies," 115. Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 219-224. Johnson, *The Root Causes of Sudan's Civil Wars*, 45-47. Martin Schüepp. *To Make Unity Attractive: A Framework for State- and Power-Structures and Electoral Systems in the Sudan's Post-Conflict Transition.* MA Thesis, Tufts University, 2006, 56.

[217] Schüepp, *To Make Unity Attractive,* 57.

[218] Seymour, "The Oil-Conflict Nexus in Sudan," 14.

[219] Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 55. ICG, "A New Sudan Action Plan," 5. Al-Shahi, interview.

unprecedented heights.[220] As challenges to it continued to rise up in the marginalized areas of Sudan, the regime began to rely even more on the promise of oil revenues to secure loyalty.[221] Similarly, it is widely understood that SPLM elites have initially been provided with relatively lavish trappings in Khartoum in a regime attempt to make them direct beneficiaries of the post-CPA power structure, and perhaps even to encourage pro-unity sentiments among some elites in advance of the 2011 referendum.[222]

DEVELOPMENT AND ETHNIC TENSION

The south's isolation, and its development according to the whims of external forces, predates independent Sudan. However, under colonial rule there was a tendency to avoid development projects that, regardless of their wisdom, might have met with open hostility from the local people, as the colonial administration was too sparsely staffed to deal with significant uprisings. The British also were concerned that 'the pockets of development' which would form in the south, using the few resources available to the colonial administrators, would have social implications the authorities could not control. History would confirm these suspicions, as labor disputes and anxiety about the discrepancy between southern development and that of the rest of Sudan led to riots in the Zande area of Equatoria in July 1955, where a cotton-growing development project had been situated.[223] Northerners were also being hired for the Zande scheme, an offense to southerners in the region, and more evidence that the first war started in part because of a lack of employment opportunities for southerners. The event was a harbinger of the more serious mutiny at Torit the next

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[220] Young, "Sudan: A Flawed Peace Process Leading to a Flawed Peace," 103. "Raising the Stakes: Oil and Conflict in Sudan," 42. Justice Africa, 27 February 2004. "Sudan: Wealth Sharing – Tougher Economic Issues than Oil to Address". *IRIN News Service.*

[221] Justice Africa, 27 February 2004. Al-Shahi, interview.

[222] ICG, "The Khartoum-SPLM Agreement: Sudan's Uncertain Peace," 5. Justice Africa, 27 February 2004. Al-Shahi, interview.

[223] Francis Mading Deng, *War of Visions: Conflict of Identities in the Sudan.* Washington, Brookings Institute, 1995, 92. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 73. Arou, "Devolution and the Southern Problem in the Sudan," 117. Albino, *The Sudan: A Southern Viewpoint*, 37. Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 107. Joseph Oduho and William Deng, *The Problem of Southern Sudan.* London: Oxford University Press, 1963, 28.

month which began the first civil war, but few lessons were learned by the new authorities about the pace of development in an independent Sudan.[224]

To the contrary, later governments would be even bolder about such projects after independence, as the need to unite Sudan as a state and undo the colonially-imposed 'grass curtain' between north and south meant urgent development, with national interests taking priority over local ones. Development was a particular priority for Sudan's authoritarian regimes. Ball observes that military governments often prefer to win support by concentrating on basic development projects such as road, rails, and communications, and Sudan's vastness and minimal basic infrastructure consistently made it ideal for such policies.[225] Much early development and infrastructure in the north was undertaken during the Abboud regime, which made up for its ideological inertia by setting ambitious top-down development benchmarks.[226] However, the poor security conditions of the south in both wars meant that almost all development brought to the region was designed solely to give the government an edge in the conflict. For example, Abboud's primary contribution to southern development during his entire regime was a railway connecting Wau to the rest of the country's infrastructure, better allowing military access to Bahr Al-Ghazal.[227] Similarly, projects during the Bashir regime such as the construction of a southern road to Malakal were framed as 'peace through development' but were designed primarily to aid central commercial and military access to the south.[228] Economic disparity between north and south increased during the 1990s, and as it did, so did the popularity of the demand for self-determination within the SPLM/A.[229] Alternately, the early nationalist incarnation of the May Regime showed signs of having broader developmental goals for the south, an impetus for a settlement with the south.

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[224] Edgar O'Ballance. *Sudan, Civil War and Terrorism, 1956-99.* New York: St Martin's Press, 2000, 7. Northerners, as opposed to southern locals, were also being hired to work on the Zande scheme.
[225] Ball, "The Challenge of Rebuilding War-Torn Societies," 730.
[226] Khalid, *Nimeiri and the Revolution of Dis-may*, 62.
[227] Yongo-Bure, *The Economic Development of Southern Sudan*, 100. Lesch, *The Sudan: Contested National Identities*, 39. Goldsmith, Abura and Switzer, "Oil and Water in Sudan," 213. Jack Kalpakian. "War Over Identity: the case of Sudan." *Big African States.* Eds. Clapham, Christopher, Jeffrey Herbst and Greg Mills. Johanesburg: Wits University Press, 2006, 42. This was the last major extension of Sudan Railways, Sudan's primary railway system, until the signing of the CPA.
[228] Donald Petterson. *Inside Sudan: Political Islam, Conflict, and Catastrophe.* Boulder, Colorado: Westview Press, 2003, 182.
[229] Johnson, interview. "Sudan: Wealth Sharing – Tougher Economic Issues than Oil to Address". *IRIN News Service.*

Nimeiri's early policy statement on the south indicated a push for southern development, though it would take years before the regime was able to moderate its ideological objectives enough to implement its goals. Nevertheless, Nimeiri's statement indicated that the May Regime understood that it would be almost impossible for a state as poor as Sudan in the late 1960s to simultaneously wage war and seek development.[230]

As outlined previously, a critical failure of the AAA was that the development promised the southern region was not forthcoming. Juba remained without a water system, the only hospital dated from the colonial era. There was no electricity grid. Throughout the 1970s and early 1980s, the south exported next to nothing, despite the region's fertility. After the AAA, even the Dinka chiefs, with their reputation as conservatives averse to new technology, strongly demanded development and education in their regions.[231] Southerners continued to leave the region for the north, but were pushed back or forced to live in slums surrounding the urban areas.[232] The south's historic isolation from economic development issues had a direct effect on the composition of the AAA. Lagu admits that the economic provisions of the AAA were the weakest, a result of only one member of the SSLM negotiating team – Lawrence Wol Wol – having any background in economics. Lagu notes that government negotiator Jaafar Bakheit noticed this and tried to assist the southern team in negotiating arrangements, but was dissuaded from it by others in the government delegation.[233] The inability of peace in the south to be an incentive for the government to encourage widespread development there meant that the only projects given any significant attention were those of interest to the north: the Jonglei canal and the oil regions.

As the underpinnings of the May Regime began to unravel, along with Sudan's economic prosperity, Nimeiri became increasingly adept at the divide-and-rule politics upon which a patronage state must be sustained. He pioneered the technique

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[230] Khalid, *Nimeiri and the Revolution of Dis-may*, 119.
[231] Francis Mading Deng, *Africans of Two Worlds: The Dinka in Afro-Arab Sudan.* New Haven, Connecticut: Yale University Press, 1978, 189-91, 195-196.
[232] Yongo-Bure, interview.
[233] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 254.

of using natural resources to divide southerners along tribal or sub-regional lines, a practice later emulated by the Bashir regime. In his quest to weaken the Southern Region and thereby exploit the oil reserves found in that area, in 1980, Nimeiri told Equatorian elites that if they supported division of the south, they would receive oil revenues from the central government.[234] Equatorians felt excluded from the Dinka-dominated regional government, and turned instead to the National President and his Equatorian ally, Joseph Lagu, to share the profits.[235]

A lack of consensual development and an inability to share resources led to the erosion of the foundation of the AAA in the south by the early 1980s. Slow development led to ethnic jealousy among the varied peoples of the region, sometimes provoked by a cynical national government.[236] Until 1977, when a six year plan for the south was finally devised, annual budgets for the region were not coordinated with each other and, accordingly, lacked focus and direction.[237] The failure of the government's national development projects, and the need for financial stringency to pay back creditors and appease the IMF led Khartoum to hold back on development funds to peripheral regions which were not vital to its immediate stability, such as Darfur and the south.[238] Competition among the regions, and various areas of the south, for development funds, damaged national and regional unity. The effect was exacerbated when funds which were expected to finance the High Executive Council in the south, the most vital institution established by the AAA, were not transferred from Khartoum.[239] In the AAA's later years, Nimeiri's

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[234] Gurdon, *Sudan at the Crossroads*, 61.

[235] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 241.

[236] Patrick Orr. "Sudan: Report on Consultative Mission." *The University for Peace – Africa Programme.* 12-16 May 2002, 7.

[237] Yongo-Bure, *The Economic Development of Southern Sudan*, 48. Jendia, *The Sudanese Civil Conflict: 1969-1985*, 146. Jendia concludes that Nimeiri simply pushed development too fast in Sudan and did not concentrate on economically sound projects, often involving himself in the technical details of projects which should have been left to specialists.

[238] Mohamed Omer Beshir. "The Sudan's Twenty-Five Years of Independence: The Continuing Search for Systems." *Bulletin* (British Society for Middle Eastern Studies) 9:2 (1982), 129. Seymour, "The Oil-Conflict Nexus in Sudan," 7. Niblock, "Numayri's Fall: The Economic Base," 39. Jendia, *The Sudanese Civil Conflict: 1969-1985*, 153. Abd Al-Rahim Al-Rayah Mahmoud. "The Machinery of Economic Management." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 98. Mahmoud notes that a primary reason for Khartoum's adherance to IMF standards, aside from the funding it received from the West, was that Arab investors also urged Sudan to embrace fiscal conservatism.

[239] *Addis Ababa Agreement: Draft Organic Law to Organize Regional Self Government in the Southern Provinces of the Democratic Republic of the Sudan*, Article 26iii, 26v. Luka Biong Deng. "The Sudan Comprehensive Peace Agreement: Will It Be Sustained?" *Civil Wars* 7:3 (2005), 251.

unwillingness to expand his patronage system in the south was ultimately counterproductive. Yongo-Bure speculates that if southerners had received any benefits at all from the oil revenues, they might have been more amenable to Chevron and Khartoum's division of the profits.[240]

THE JONGLEI CANAL PROJECT

The mentality of hostility by southerners towards Khartoum's perceived theft of southern resources predated large discoveries of oil in the south and was not brought to an end by the AAA. The Jonglei Canal Project was a long-existing plan to increase the flow of Nile water to the north, bypassing the network of swamps in south Sudan in which water is lost to evaporation.[241] The extra water could help increase agriculture in northern Sudan and Egypt, but would change the ecology of some areas of the south. The debate over the canal throughout both wars typifies the southern concern over resource exploitation by the central government.

The idea of a canal to be established in southern Sudan was initially instigated in the first decade of the twentieth century. While it was never fully implemented under the Condominium, the project retained the interest of both Egypt and Sudan after the latter's independence. By the mid-1950s, Cairo and Khartoum had begun to coordinate their efforts to increase the yield of the Nile, and established a Permanent Joint Technical Commission to study how a canal could achieve this in southern Sudan. However, from the time of the Torit mutiny onwards, most of the few development projects planned for the south had to be delayed or cancelled. Construction of the Jonglei canal to route Nile water from the southern swamps also had to be postponed for the duration of the war.[242]

While the southern insurgency and subsequent civil war prevented the canal project, it was revived immediately following the AAA.[243] A June 1974 report submitted by

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[240] Yongo-Bure, interview.
[241] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 215. Jendia, *The Sudanese Civil Conflict: 1969-1985*, 149.
[242] Robert O. Collins. "The Big Ditch: The Jonglei Canal Scheme." *Modernization in the Sudan.* Ed. M.W. Daly. New York: Lilian Barber Press, Inc, 1985, 140.
[243] Yongo-Bure, *The Economic Development of Southern Sudan*, 173-174.

the commission to the two states recommended the digging of the canal from Jonglei to Malakal. This analysis, which neglected to take into consideration the impact that the canal would have on the local economy, led to great southern opposition to the project.[244] Events surrounding the engineering of the canal in the 1970s struck at the heart of southern insecurity with regards to the north: rumors arose soon after that the agricultural land recovered by the draining of the swamp would be made available to two to three million Egyptians, who would migrate to southern Sudan.[245] Others were suspicious of the need for a canal, when more water could be supplied to the north via the Blue Nile flowing from the Ethiopian highlands, or further up the White Nile at Juba and Nimule.[246]

In addition to rumor and speculation, neglect on the part of the government also increased southern suspicions. The development projects which Khartoum had assured southerners would be built to compliment the canal were never completed.[247] While economic conditions improved in the area around the canal zone from 1977-1983, it was as incidental as the later infrastructure built up around the Bentiu oil fields by 2000.[248] To allay southern concerns, development projects targeted around the canal zone were to be implemented beginning in the mid-1970s. However, by 1985 most of the canal had already been excavated and even the initial studies for these projects had not been finished.[249] The abatement of southern opposition seems to have been a rationale for the creation of the Executive Organ for Development Projects in the Jonglei Area, which oversaw the region's development. Commitments were made to projects such as reforestation, infrastructure, schools, cattle-raising and

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[244] Ali, Matthews and Spears, "Failures in Peacebuilding: Sudan (1972-1983) and Angola (1991-1998)," 290. Yongo-Bure, *The Economic Development of Southern Sudan*, 174, 176. The initial plan would have interrupt migration patterns for pastoralists and livestock. An estimated 122,000 people would be directly affected.

[245] Yongo-Bure, interview. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 43. Jendia, *The Sudanese Civil Conflict: 1969-1985*, 149. Al-Shahi, interview. Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 224. Johnson, *The Root Causes of Sudan's Civil Wars*, 42. Woodward, *Sudan, 1898-1989: the Unstable State*, 146. Southerners viewed the project as being more for the advancement of northern and Egyptian interests than to those of the Nilotic pastoralists of that region. Wakoson, "The politics of Southern self-government 1972-1983," 44. Johnson, *The Root Causes of Sudan's Civil Wars*, 48. Demonstrations against the canal plan in Juba in 1974 even caused some Regional Assemblymen to oppose it. In an early resort to oppression by the state following the AAA, the demonstrations were crushed, the assemblymen arrested or forced to flee Sudan.

[246] Yongo-Bure, interview. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 135.

[247] Yongo-Bure, interview.

[248] Kunijwak Gwado-Ayoker. "Interpreting the South." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 159.

[249] Ali, Matthews and Spears, "Failures in Peacebuilding: Sudan (1972-1983) and Angola (1991-1998)," 290-291.

the replacement of seasonal northern workers with a permanent staff of southerners.[250] However, few of these development projects had been implemented by the time the second war started in 1983, and all were abandoned soon thereafter. Projects which were scheduled to be embarked upon in conjunction with the digging of the canal were later revised to begin after canal's completion.[251]

It was the re-orienting of plans around the canal area to the disparagement of local peoples that provided the greatest impetus to renewed violence in the south. The expected bridges which were to cross the canal were not built and flood embankments alongside the canal were built too low, resulting in the drowning of livestock and other animals in the region.[252] The canal also created artificial flooding on its east bank, preventing water from reaching the villages it had in the past. A plan to build an additional smaller canal that had been promised to allow more irrigation of crops in this area was discarded by the time digging began on the Jonglei Canal in 1978.[253]

As a result, the Jonglei canal ensured minor southern resistance started only two years after the AAA was signed.[254] The Jonglei project continued to be a source of contention in the second war. The SPLM/A listed its construction, without regard for the long-term interests of the surrounding peoples, as one of its primary grievances against the May Regime.[255] John Garang had obtained his doctorate in agricultural economics in the study of the canal, and argued that it was too sensitive a project to leave its planning to Khartoum. After the SPLA took over the construction area in early 1984, they vowed not to destroy the expensive equipment being used to build the canal.[256] Garang declared that his movement was not against its construction per say, but the insensitive way it was being achieved.[257]

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[250] Yongo-Bure, *The Economic Development of Southern Sudan*, 177-181.
[251] Goldsmith, Abura and Switzer, "Oil and Water in Sudan," 205.
[252] Goldsmith, Abura and Switzer, "Oil and Water in Sudan," 205.
[253] Yongo-Bure, *The Economic Development of Southern Sudan*, 181, 182.
[254] Alex De Waal. "Some comments on the militias in contemporary Sudan." *Civil War in The Sudan.* Eds. Daly, M.W. and Ahmad Alawad Sikainga. London: British Academic Press, 1993, 151. Gwado-Ayoker, "Interpreting the South," 159.
[255] Johnson, *The Root Causes of Sudan's Civil Wars*, 64.
[256] Robert O. Collins. "The Big Ditch: The Jonglei Canal Scheme." *Modernization in the Sudan.* Ed. M.W. Daly. New York: Lilian Barber Press, Inc, 1985, 145. Goldsmith, Abura and Switzer, "Oil and Water in Sudan," 205.
[257] John Garang. *John Garang Speaks.* Ed. Khalid, Mansour. London: Kegan Paul International, 1987, 122.

SUDAN, THE COLLIER HOEFFLER MODEL AND RENTIER THEORY

The preceding history provides the contours around which to examine how economic theory relates to Sudanese conflict resolution. The Collier-Hoeffler model asserts that economic opportunism is at the heart of most rebellions, whether financed by looted resources or a relatively wealthy diaspora. The model posits that rebel grievances may be legitimate or imagined, but it is economic incentive that leads to armed rebellion.[258] This theory argues that natural resources allow rebel groups to finance their insurgency, and also provide motivation to capture resources permanently if the insurgency is successful. The latter reason in particular is attractive to secessionists.[259] Collier and Hoeffler therefore 'suggest a more realistic characterization of secessionist movements is that their sense of political identity is typically a recent contrivance designed to support perceived economic advantage, if the secession is successful, and facilitated by a popular ignorance.'[260] They posit that secessionists create their own political communities once it is broadly realized that secession will create economic advantage for the region.[261] Their analysis leads them to conclude that 'civil war is better understood in terms of opportunity than in terms of motive.'[262] Their analysis is a more fully developed version of the economic determinist argument which hypothesizes that elites of each warring faction see economic opportunity in conflict and this leads them to cloak these objectives in the rhetoric of identity and secession.[263]

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[258] Paul Collier. "Economic Causes of Civil Conflict and Their Implications for Policy." *Turbulent Peace: The Challenges of Managing International Conflict.* Eds. Crocker, Chester A., Fen Osler Hampson and Pamela Aall. Washington DC: United States Institute of Peace Press, 2003, 160. Seymour, "The Oil-Conflict Nexus in Sudan," 18.

[259] Paul Collier and Anke Hoeffler. "The Political Economy of Secession." *World Bank – Development Research Group.* 23 December 2002, 12.

[260] Collier and Hoeffler, "The Political Economy of Secession," 2.

[261] Collier and Hoeffler, "The Political Economy of Secession," 3.

[262] Collier and Hoeffler, "The Political Economy of Secession," 9.

[263] Goldsmith, Abura and Switzer, "Oil and Water in Sudan," 230. Michael L. Ross. "A Closer Look at Oil, Diamonds and Civil War." *Annual Review of Political Science* 9 (2006), 295. Ross also finds that 'oil and other minerals tend to foster conflict because they make independence more desirable for resource-rich regions.' Macartan Humphreys. "Natural Resources, Conflict, and Conflict Resolution: Uncovering the Mechanisms." *Journal of Conflict Resolution* 49:508 (2005), 514. In speaking of the war in Sudan, Humphreys notes that 'rebel groups have been able to benefit directly from the sources – both commodities and nontraded foodstuffs – around them.' This might be true of international aid, and occasionally of timber, but not of more lucrative resources such as oil.

This critique of the Collier-Hoeffler model as it applies to Sudan is of their theoretical findings, not their methodology, which may be applicable in certain other cases of separatist warfare. However, their understanding of the economic basis for war in Sudan contains several errors. In a 2002 essay, the authors touch briefly on the Sudanese case, conflating the impetus of both wars, ignoring the initial unitary objectives of the SPLM/A, and erroneously citing the discovery of large oil deposits in southern Sudan as occurring during the late 1960s rather than the mid-1970s.[264] In citing examples which run counter to their theory – separatist movements located in regions which are poorer than the state they which to secede from – the only instance they list is Slovakia.[265] This analysis neglects the reality that in the first war, the south was indeed considered poorer than Sudan at large as oil fields would not be discovered until 1978.[266]

The second insurgency had an economic component in the form of natural resources, but nevertheless also fails to fit the Collier-Hoeffler framework. There is no significant military or economic support from the southern Sudanese diaspora, as the framework contends is often a factor of continuing civil war.[267] The south is rich with oil, but has fewer resources the SPLA could rely on commercially while hostilities continued, or that were lucrative enough to provide an incentive for the movement to continue hostilities for their own sake.[268] This is not to deny that there was an

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[264] Collier and Hoeffler, "The Political Economy of Secession," 20. The paragraph concerning Sudan reads as follows: 'Another long-standing secessionist movement is that of the Southern Sudan. The populations of the Southern Sudan do not have a common identity – indeed, there has been civil war within the region as well as between it and Northern Sudan. In the late 1960s, substantial oil fields were discovered in Southern Sudan. Until very recently these could not be exploited because of war, but they may have provided these disparate populations some sense of political commonality.'

[265] Collier and Hoeffler, "The Political Economy of Secession," 23.

[266] Jennifer C. Leary. "Talisman's Sudanese Oil Investment: The Historical Context Surrounding Its Entry, Departure, and Controversial Tenure." Duke University. Durham, North Carolina, 18. *Berghof Foundation for Peace Support.* "Sudan: Conflict Analysis and Options for Systemic Conflict Transformation," 60.

[267] Paul Collier. "Economic Causes of Civil Conflict and Their Implications for Policy." *Turbulent Peace: The Challenges of Managing International Conflict.* Eds. Crocker, Chester A., Fen Osler Hampson and Pamela Aall. Washington DC: United States Institute of Peace Press, 2003, 161. Yongo-Bure, interview. The diaspora in both wars eventually became heavily involved in drawing international attention to the insurgency's message, but never provided significant funding or arms to the insurgents. Wai, *The African-Arab Conflict in the Sudan*, 153. The experience of the southern diaspora during the first war actually directly contradicts the Collier-Hoeffler conclusions. In August 1971, SSLM representatives in Europe, Mading de Garang and Lawrence Wol Wol, visited Ethiopia, Kenya, Uganda and Zaire in an attempt to assess the opinions of southern Sudanese in exile concerning potential negotiations with the May Regime. While federation was seen as preferable to the offer of regional autonomy, the general consensus among southern expatriates was that talks should be held.

[268] Seymour, "The Oil-Conflict Nexus in Sudan," 19. Seymour speculates that the lack of lucrative, easily transferable resources in the south (aside from modest gold deposits and timber) may have helped the ideological coherence of the SPLA for several years, the schism only developing once Khartoum hinted at allowing outright

economic incentive to the SPLA rebellion, but to note such an incentive does not necessarily indicate that rebellion is predatory: there may simply be no other stable economic activity by which to make a living. As Garang wrote in the early years of the SPLA, the continued marginalization of the south from economic activity, along with heavy-handed military approaches at restoring order, meant that 'the marginal cost of rebellion in the south became very small, zero or negative: that is, in the south, it pays to rebel.'[269] Southern rebellion in both wars was fuelled not by rebel economic opportunism but – in part – by anger over regional economic marginalization, and especially over the way any development considered in the region has often been implemented without regards to its welfare. The development surrounding the Jonglei canal serve as another significant indicator that conflict in the south was a result of southern dissatisfaction with the northern visualization of regional development and was motivated more by a desire to protect southern livelihood and identity rather than to horde resource wealth.

The Collier-Hoeffler economic theory of civil war does not adequately account for the issues of identity in Sudan's civil wars. The majority of southerners have taken arms against the government not to defend subterranean resources local to their area, but to defend their local security and ultimately their interpretation of identity and culture. The marginal role national resources have played in sparking conflict in the south can be observed best by examining the ostensible objectives of each insurgency. In the first war, southern Sudan was isolated, marginalized and poor, yet its rebel movement opted for secession from the state.[270] In the second war, southern Sudan was found to reside above significant oil deposits, and yet the primary insurgent group adhered doggedly to the goal of a 'New Sudan' – which entailed a national revolution in which southerners would likely come under pressure to share their wealth with other remote areas of Sudan. The SPLM/A even clung to a modulated version of this goal after facing an internal rebellion over the matter in

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secession. That development would have allowed access to oil resources in the Nuer areas, where the separatists of SPLA-United would prominently derive from.

[269] Garang, *John Garang Speaks*, 21. Young, "Sudan: A Flawed Peace Process Leading to a Flawed Peace," 109. ICG, "The Khartoum-SPLM Agreement: Sudan's Uncertain Peace," 7-8. Theft of livestock is a predatory activity SPLA soldiers have engaged in sporadically, but it is a tactic practiced by both sides to weaken the enemy, not a primary objective of war.

[270] Hamid, "Aspects of Sudanese Foreign Policy," 127.

1991, and in the face of strong, consistent evidence that the large majority of southerners wish to secede from Sudan.[271] The fact that the southern Sudanese identity is even weaker among the insurgency in the second, resource-fuelled war than it was in the earlier war where resources played a smaller role seems to directly refute the Collier-Hoeffler hypothesis that the economic advantage derived from natural resources allows insurgents to imagine a shared identity.

In fact, it is interesting that economic incentive seemed to affect nearly all the actors in the first war *except* the Anya Nya. During that conflict, many southerners expected that the Obote government in Uganda would support their cause, considering not only the African-Arab schism of the conflict, but also the ethnic ties shared by certain Equatorian and northern Ugandans peoples. Instead, Obote spent most of his regime in the late 1960s and early 1970s coordinating with Khartoum to suppress the Anya Nya presence in Uganda. On the other hand, Obote did support Congolese rebels, likely because those rebels had access to resources such as gold and ivory through which they could buy support. While it is asserted that Khartoum may actually have channelled funds through its embassy in Kampala to bribe members of the Obote government to oppose Uganda's aiding the Anya Nya, the Anya Nya themselves lacked access to such resources.[272]

The search for an economic foundation to the first Sudanese insurgency began in the 1970s. There was an economic and class incentive for separatism in the south: separatists were commonly the partially educated, semi-skilled southerners who comprised an 'intermediary position' linking the towns to the countryside. They were predominantly concerned about unemployment. 'Southern artisans, mechanics and bricklayers had always prided themselves... on competence and efficiency in

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[271] Lesch, *The Sudan: Contested National Identities*, 41. O'Ballance, *Sudan, Civil War and Terrorism, 1956-99*, 29, 31. Abel Alier. "The Southern Sudan Question." *The Southern Sudan: The Problem of National Integration.* Ed. Wai, Dunstan M. London: Frank Cass, 1973, 22. Johnson, *The Root Causes of Sudan's Civil Wars*, 84. Abdel Salam M. Sidahmed, *Politics and Islam in Contemporary Sudan.* New York: St. Martin's Press, 1996, 160. "The Sudan-IGAD Peace Process: Signposts for the Way Forward." *African Security Analysis Programme.* Occasional Paper 86, March 2004, 11. Interview by the author with Cherry Leonardi, Durham, 2007. Interview by the author with Alex Donato, Canberra, 2009. Johnson, interview. Lobban, interview. Yongo-Bure, 2009, interview. Claire Metelits. "Reformed Rebels? Democratization, Global Norms and the Sudan People's Liberation Army." *Africa Today* 51:1 (Fall 2004), 72. Stiansen, "GOS Revenue, Oil and the Cost of the Civil War," 24.

[272] Wai, *The African-Arab Conflict in the Sudan*, 132.

their respective trades. The fact that they always had to have a Northern foreman of no better qualifications or experience, other than fluency in Arabic, naturally aroused resentment and suspicion; the practice was viewed as part of the government's secret plan to dominate the south.'[273] This conclusion that the causes of the first war were more related to southern employment opportunities and ethnic insecurity is a more nuanced and realistic assessment than the Collier-Hoeffler premise that southern ethnic identity was fabricated out of whole cloth.

While the SPLA's insurgency does not seem to adhere closely to Collier-Hoeffler's theory, the SSDF and other southern militias, particularly in the Nuer area, appear to follow the model to some degree. Under John Garang's vision of national revolution, it was rebels in the Bentiu area, Nuer in particular, who would be forced to concede that their oil deposits were national resources, thereby providing them with economic incentive to declare their own separatist war. Their claims to marginalization within the SPLA, in addition to their objectively minority status within the movement, are considerations which faintly resemble the Collier-Hoeffler theory of rebellion against the state.[274] The similarities are misleading, however. The SPLM/A has never functioned as a state in the south in that it had the capacity to overtax oil-rich areas.[275] Furthermore, the separatist SSDF has also compromised with the government over access to southern natural resources, as in April 1996 when separatist leaders Reik Machar and Kerubino Kuonyin signed a Political Charter in Khartoum allowing oil fields, copper mines and gum arabic plantations to be transferred from the south to the north.[276] This arrangement is hardly the act of a predatory separatist group interested primarily in direct revenue.

Tensions between the SPLA and rival militias are instead a mixture of tribal animosity, personal grudges, and the strains which arise over competition for

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[273] R.K. Badal. "The Rise and Fall of Separatism in Southern Sudan." *African Affairs* 75:301 (1976), 470-471.
[274] Paul Collier and Anke Hoeffler. "Resource Rents, Governance and Conflict." *Journal of Conflict Resolution* 49:625 (2005), 630. Collier and Hoeffler find that 'if oil is present, a rebellion is almost certain to be secessionist.' they recommend following this theory to the subnational level, which is the only level at which it corresponds to Sudan.
[275] Donato, interview. The SPLA lacked the legitimacy or capacity to tax areas that they administer. Instead, individual soldiers would rely on periodic looting of areas under their control.
[276] Lesch, *The Sudan: Contested National Identities*, 164. Roger Dean. "Rethinking the civil war in Sudan." *Civil Wars* 3:1 (March 2000), 80.

traditional resources during a time of war. The most contested resource in the various militia wars of the 1990s and 2000s was not oil, but cattle. As war displaces cattle-herding people in particular, they are forced to migrate to areas where they compete for land with farmers and especially other pastoralists.[277] As oil revenues simply exacerbated the wealth disparity already in existence, so they exacerbated pre-existing ethnic tensions as well. The economic rationale for separatism is not in itself an adequate explanation of the history of hostility between north and south Sudan.

A theory that might explain the lack of profiteering and looting by the SPLA is that such insurgencies are not a result of easily transportable resources, but as Herbst theorizes in regard to African insurgencies generally, of *weak states*.[278] Herbst submits that insurgencies which face a strong state must provide some ideological motivation, while those which do not, and have access to outside funding or resources, may rely less on mobilizing politics and more on profit motive to recruit soldiers. Even when Khartoum was at its weakest, the SPLA never faced the kind of weak state in Sudan that was seen in civil insurrection in places such as the Democratic Republic of Congo in the 1990s. While Khartoum lacked the ability to consistently project its power in most areas of the south, its ability to retain key towns such as Juba made it a constant presence in the region. In addition, the very length of the wars contributed to the ability of resistance leadership to provide some type of coherent ideology that defines what the struggle is for. In the first war, this ideology was only seriously being introduced right before the war's end. In the second war, John Garang's 'New Sudan' ideology was a constant platform, originating at the birth of the SPLM/A.

Theories of a 'resource curse' leading to separatist warfare seem of limited usefulness in sub-Saharan Africa generally, since there are at least as many cases of stable states producing resource rents.[279] In fact, there have historically been few separatist wars in

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[277] Jendia, *The Sudanese Civil Conflict: 1969-1985*, 163. Yongo-Bure, interview. The Dinka, Nuer, and Murle have been well-represented in most southern militias during the 2000s, and all are pastoralists.

[278] Jeffrey Herbst. *States and Power in Africa: Comparative Lessons in Authority and Control.* Princeton, New Jersey: Princeton University Press, 2000, 231-232.

[279] Stefan Lindemann. "Do Inclusive Elite Bargains Matter? A Research Framework for Understanding the Causes of Civil War in Sub-Saharan Africa." *Development Studies Institute.* London School of Economics and Political Science. Discussion Paper 15 (February 2008), 7. Lindemann notes that some of the poorest states in

sub-Saharan Africa, even in resource rich states.[280] Instead, conflict and resources are more directly tied to the political environment. Whether the state turns to patronage or oppression depends on variables other than simply resource wealth. Instead, 'resource curse' theorists often neglect to look at the broader political environment of states with abundant natural resources.

Reliance on natural resources is typically identified with rentierism among states, a concept which has been examined in detail by scholars of Arab societies in particular. It is useful to address how this theory relates to Sudanese society, particularly regarding the CPA, the only one of the two agreements to conclude a war in which resources were a significant element of contention. It has been proposed that Sudan is a classic rentier state 'whose reliance on natural resources and external actors in national revenue generation fosters elite driven politics and weak state-society relations.'[281] The qualifications for what determine a rentier state have accumulated in studies made over the last several decades. Rentier states are defined as those with an economy that relies on regularly received and significant external rents.[282] Specifically, Luciani classifies a rentier state as one 'whose revenue derives predominantly (more than 40%) from oil or other foreign sources'.[283]

By this metric, Sudan does not and has never qualified as a rentier state. Oil production saw an unprecedented increase during the period surrounding the Naivasha peace process, with revenues doubling between 2002 and 2003, and doing so again between 2003 and 2005.[284] However, Sudan never neared the levels of oil production to qualify by Luciani's standards as a classic rentier state. From the years 2004 to 2008, when oil production in Sudan was at its height, it nevertheless only

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Africa such as Malawi, Tanzania, Zambia and Burkina Faso have avoided conflict and instability, apparently contradicting the predation model.

[280] Lindemann, "Do Inclusive Elite Bargains Matter?" 11-12.

[281] Wennman, "Wealth-Sharing Beyond 2011: Economic Issues in Sudan's North-South Peace Process," 23.

[282] Hossein Mahdavy. "The Patterns and Problems of Economic Development in Rentier States: The Case of Iran." *Studies in the Economic History of the Middle East.* Ed. M.A. Cook. Oxford: Oxford University Press, 1970, 428.

[283] Giacomo Luciani and Hazem Beblawi. "The Rentier State". *Nation, State and Integration in the Arab World, Volume 2.* Eds. Luciani, Giacomo and Hazem Beblawi. London: Croom Helm, 1987, 70. Giacomo Luciani. "Allocation vs Production States: A Theoretical Framework." *The Arab State.* Ed. Luciani, Giacomo. London, Routledge, 1990, 72.

[284] "Sudan Economic and Strategic Outlook: Marching Amid the Conflicts." *Global Research, Global Investment House.* January 2007, 3.

comprised between 10% and 14% of the GDP.[285] Nor was this low percentage complimented by other petroleum-related areas of industry. The entire industrial sector, which consists of petroleum, manufacturing, electricity, water, building and construction, only constituted 27.8% of the GDP in 2005.[286] By 2008, industry in its entirety composed almost 35% of Sudan's GDP.[287]

A more likely theory is that Sudan was not a rentier state at the time of the CPA, but sought to be one. This could only occur with a substantive peace agreement in the south. 'The Sudan case shows that capital-intensive, non-lootable natural resources can provide an opportunity for peace processes because their commercialization depends on a certain level of security.'[288] This is more in keeping with a theory that non-lootable, highly profitable resources such as oil can be conduits to peace because they require foreign investment and a certain level of security for their extraction.[289] Any tendencies which Sudan shares with rentier states can instead be explained by the neo-patrimonial structure of the state, which is only enhanced by rent-seeking.[290] Neo-patrimonialism exists in many non-rentier countries. Sudan, for most of its history, has been too large and too poor to be a functioning rentier state, but not too large to accommodate an exclusivist patronage system.[291] This distribution of scarce resources accounts in part for the failure of nationalist projects in the country, as well as the failure to integrate remote regions. Patronage politics have been pervasive in several areas which contribute to persistent conflict. Sudan's underdevelopment, for example, is due in part to the need of successive regimes to divert resources to short-term benefactors in order to supply basic necessities and retain power.[292]

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[285] *International Monetary Fund.* Country Report No. 08/174. June 2008, 17.
[286] "Sudan Economic and Strategic Outlook," 1.
[287] *Central Intelligence Agency.* The World Factbook.
[288] Wennman, "Wealth-Sharing Beyond 2011: Economic Issues in Sudan's North-South Peace Process," 8.
[289] Wennman, "Wealth-Sharing Beyond 2011: Economic Issues in Sudan's North-South Peace Process," 13.
[290] Gero Erdmann and Ulf Engel. "Neopatrimonialism Revisited – Beyond a Catch-All Concept." *German Institute of Global and Area Studies.* Working Paper 16, February 2006, 28.
[291] Woodward, interview.
[292] Ahmed Hassan El Jack and Chris Leggett. "Industrial Relations and the Political Process". *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 33.

CHAPTER FIVE: INTERNATIONAL INFLUENCE IN THE AGREEMENTS

This chapter will concentrate on identifying the role external forces had in resolving both civil wars, and in impeding earlier settlements of the conflict. Post-colonial Sudan's evolving significance in the region and internationally is reflected in both the AAA and CPA. However, in neither instance did international involvement change the fundamental cause of the war: the dispute over the nature of Sudanese identity. As with the discovery of natural resources, heavy international involvement has helped obscure this cause, particularly in the second war. Yet an examination of the multiple peace initiatives and forums put forth by international actors can better explain the evolving objectives of the two parties. For example, the competition in the late 1990s between the IGAD-mediated process and the Egyptian-Libyan Joint Initiative demonstrated the fragility of the NDA coalition, and the subsequent tendency for coalition partners to revert back to their regional interests under pressure.

The composition of post-colonial Sudan, with its diverse, often marginalized population and its weak central state, has been characterized as making the demarcation between domestic and foreign affairs somewhat ambiguous.[1] Sudanese foreign policy has been marked by either an imposed semi-isolationism, as under the Abboud regime, or protracted tit-for-tat strategies of supporting dissidents in weak neighboring states, with those states supporting Sudanese insurgents in return. The ebb and flow of such later cycles in particular has left its impact on both wars and both peace treaties. The larger trajectory of Sudan's foreign affairs, at least as they pertain to its civil wars, has been from early post-colonial suspicion of foreign intrusion towards acceptance of a certain level of international involvement in domestic matters. Most post-independence regimes, particularly the early ones, have placed a high priority on defending and enhancing the centralized state and finding Sudan's place among Arab states. Nevertheless, early state reluctance to recognize international involvement within its borders did not negate the existence of that

[1] Francis Mading Deng, *War of Visions: Conflict of Identities in the Sudan.* Washington, Brookings Institute, 1995, 348. John Howell. "Horn of Africa: Lessons from the Sudan Conflict". *International Affairs* 54:3 (1978), 436.

involvement. To come to terms with such involvement meant Khartoum had to abandon the conceit that Sudan was fundamentally an extension of Arab-Islamic culture in an African setting.[2] The state's inability to promote this identity peacefully inside its borders invited foreign involvement.

Throughout the first war, the various parliamentary and military regimes sought to minimize the role of international actors in peacemaking – as opposed to war-fighting – precisely because the recently independent, yet unintegrated, state was so insecure in its identity. The resulting light emphasis on international involvement in mediation helped legitimize the AAA as a primarily Sudanese achievement. Khartoum's accommodations to southern rebels under the AAA, and its subsequent retreat from earlier commitments to Arab unity, were forays into the creation of an identity unique to Sudan. It failed in part because of continuing internal and external pressures on Sudan to adhere to an Arab-Islamic identity, but primarily because the domestic institutions established by the agreement were eventually eroded of vitality. A weakness of the CPA is due to another extreme. Its institutions from the outset have heavy foreign influence and therefore compromised effectiveness without external pressure. This is especially true with regard to addressing the root of the conflict: the unintegrated nature of the Sudanese state.

The competing visions Sudanese have of national identity have led to an erosion of trust in the political system, with international organizations filling the breach. American conflict resolution expert Chester Crocker, in referring to the heavy international involvement in the CPA, stated that the IGAD process was not led domestically because history had shown that in Sudan, 'peace does not implement itself'.[3] Weaker parties especially have sought international safeguards to take the place of indigenous institutions, but an international environment rarely exists to facilitate resolution of such a difficult conflict in such a geopolitically marginal state as Sudan. As a result regional organizations rather than broader international ones

[2] Deng, *War of Visions: Conflict of Identities in the Sudan*, 351. Former Prime Minister M.A. Maghoub epitomized the conservative nationalist philosophy when he declared that Sudanese identity should be 'firmly based on Islam, Arabic culture and African soil.'

[3] Chester A. Crocker. "Sudan: Building on Peace in the South." Chatham House in partnership with Good Government Group. London, 8 November 2006, 3.

are sometimes the first multilateral bodies to become involved in conflict resolution in such states. In the Sudan, IGAD deviated from its initial mission of combating scarce water resources in 1994 to providing a forum for the war. Even with this forum, resolution of the conflict stalled until the new century, when the international focus on terrorism in the period leading up to the Naivasha process gave added backing to the regional institution. This new focus was complimented by the internal and regional environment generally, both of which had grown more conducive to settling the dispute than they were throughout the 1990s.

In conflict resolution, it is recognized that 'the biggest potential liability (yet source of possible leverage) in managing a spoiler are member states that are patrons of the spoiler.'[4] In the first war, Nimeiri's reconciliation with Uganda and Ethiopia, states formerly amicable to Anya Nya insurgents, was instrumental in bringing about the AAA. To coordinate several international parties early, it is important to 'institutionalize' them in the peace.[5] IGAD's composition of regional states, and their ability to coordinate with wealthy and powerful Western states such as the US and the UK, makes this theory relevant to Sudanese conflict resolution. States such as the US had ties to Egypt, which was helpful in assuring Sudan's neighbor was amenable to the peace process.

Khartoum has always been wary about outside interference in resolving its civil wars, attempting to isolate rebels as much as possible in the first war to avoid internationalizing the issue. As this became increasingly impossible in both the second war and peace process, the Bashir regime sought to manipulate outside actors by turning them against each other, searching for new venues of mediation, locating powerful strategic allies such as China, and relying on its rights as a sovereign state to defend itself against foreign involvement primarily as a last resort. Khartoum by 2002 was in a better position to engage the outside world than it had been 30 years earlier, as it has had much more experience since that time in dealing with outside actors via international aid and oil companies. This history gave the Bashir regime a

[4] Stephen John Stedman. "Spoiler Problems in Peace Processes." *International Security* 22:2 (Autumn 1997), 16.
[5] Stedman, "Spoiler Problems in Peace Processes," 51.

confidence about its ability to control foreign intrusion which the Nimeiri regime did not enjoy in the post-colonial environment of the pre-AAA period.

PRE-AAA REGIONAL TENSIONS IN THE HORN OF AFRICA

The maxim that civil wars usually occur in otherwise unstable regions is applicable to the Horn of Africa, where peace treaties have generally been unsustainable if concluded without the support of neighboring states.[6] Consequently, in both wars, Sudan has been forced to pair successful peace agreements with a broader mending of relations with other states, whether in the service of regional security or international support. Sudan's porous borders with several other states ensures that peace could not be made in a vacuum but instead must be accompanied by an adjustment of bilateral relations with several states, either before or after the conclusion of the agreements themselves. Both peace treaties were actually the apexes of a series of foreign policy shifts by Khartoum in the early 1970s and early 2000s.

Sudan's nationalist urge to assert Arab-Islamic credentials in the 1960s strained relations with its most important non-Arab neighbor, Ethiopia. Sudan's relations with Ethiopia began to sharply decline after 1962, the year Addis Ababa rescinded Eritrean autonomy, creating a secessionist movement there supported by many Arab states.[7] Khartoum needed support from other Arab states to aid its economy, but it was under pressure from its African neighbors to reject secessionist movements. The transitional government after the October Revolution was keen to assert its solidarity with Arab states by supporting the Eritreans, thereby provoking Ethiopia to allow Anya Nya to operate out of bases on its territory as early as January 1965.[8]

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[6] Stephen John Stedman. "International Implementation of Peace Agreements in Civil Wars: Findings from a Study of Sixteen Cases." *Turbulent Peace: The Challenges of Managing International Conflict.* Eds. Crocker, Chester A., Fen Osler Hampson and Pamela Aall. Washington DC: United States Institute of Peace Press, 2003, 742.

[7] Richard P. Stevens. "The 1972 Addis Ababa Agreement and the Sudan's Afro-Arab Policy." *The Journal of Modern African Studies* 14:2 (June 1976), 258.

[8] Mohammed Beshir Hamid. "Aspects of Sudanese Foreign Policy: 'Splendid Isolation', Radicalisation and 'Finlandisation'." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 166. Robert O. Collins, *Shadows in the Grass: Britain in the Southern Sudan, 1918-1956.* New Haven & London: Yale University Press, 1983, 405.

In stark contrast to Bashir's confidence in his ability to manipulate international actors in the second war, Nimeiri viewed the unavoidable internationalization of Sudan's first internal conflict as a strong incentive to end it with a negotiated solution. By 1971, both Khartoum and Addis Ababa had reason to look to each other to end their respective civil wars, which were moving beyond regional affairs as they gained international interest: Anya Nya from the Israelis and Eritrean secessionists from Arab states, respectively.[9] Nimeiri realized that improving relations with Ethiopia would be the key to pressuring the Anya Nya. In addition to its hope to resolve the Eritrean problem, a key motivation for conservative, Christian Ethiopia to respond positively to Nimeiri's gestures was to avoid being surrounded by hostile, socialist-oriented governments in Muslim states.[10] The March 1971 rapprochement between Ethiopia and Sudan was therefore a crucial precedent for what would become the AAA.[11]

The meeting between Nimeiri and Ethiopian Emperor Haile Selassie seemed to confirm a new cooperation between the two leaders regarding security. Sources of arms and ammunition flowing into the Upper Nile Province from Ethiopia, which the rebels had relied on, began to dry up.[12] In the agreement, the two states also committed to increasing trade and communication through land and water routes and, most importantly, to settling all outstanding border disputes.[13] Aside from using it as a stage to reaffirm cordial relations between the two states, Addis Ababa now became a feasible venue for secret negotiations between parties in the lead-up to the AAA. Since Addis Ababa was the site of the Organization of African Unity and the UN Economic Commission for Africa, and thus a hub of traffic for officials from all over the continent, travel there by Sudanese government officials or southern politicians with ties to the Anya Nya would raise no suspicion.[14]

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[9] Howell, "Horn of Africa," 432. Telephone interview by the author with Peter Woodward, Reading, 2007.
[10] Stevens, "The 1972 Addis Ababa Agreement and the Sudan's Afro-Arab Policy," 259. A leftist regime had also come to power in Somalia in 1969.
[11] Stevens, "The 1972 Addis Ababa Agreement and the Sudan's Afro-Arab Policy," 259. Alexis Heraclides. "Janus or Sisyphus? The Southern Problem of the Sudan." *Journal of Modern African Studies* 25:2 (1987), 221.
[12] Howell, "Horn of Africa," 433.
[13] Cecil Eprile, *War and Peace in the Sudan 1955-1972.* London: David & Charles, 1974, 143.
[14] Abel Alier. *The Southern Sudan: Too Many Agreements Dishonoured.* Exeter, Devon, UK: Ithaca Press, 1991, 79.

Nimeiri also realized Sudan would need to work more closely with Uganda to control the insurgents, who straddled the border between the two states. In January 1971, Ugandan army chief-of-staff Idi Amin staged a coup against President Milton Obote. Amin had maintained close personal ties to leaders in Lagu's Madi tribe in Equatoria, and had been channelling Israeli aid to the Anya Nya for months before the *coup*.[15] When Obote escaped to southern Sudan and began planning attacks to destabilize the Ugandan junta from there, Amin realized he would have to end support for the Anya Nya if he wanted Sudan to expel the former president.[16] As a result, Amin also became conducive to a negotiated settlement in the south, even offering Uganda as a venue for negotiations.[17] In this regard, the AAA served Khartoum well to realigning the region towards Sudan's anti-Israeli interests. In April 1972, only a month after the AAA, Amin cut off relations with Israel and expelled all Israelis from Uganda.[18]

FOREIGN SUPPORT AND THE EVOLUTION OF INSURGENCY IN THE FIRST WAR

The role of self-sufficiency in ideologically-motivated insurgencies can be a difficult one to reconcile with the practical demands of guerrilla warfare. Heavy reliance on outside forces can serve to delegitimize a movement as being a pawn in the service of a foreign power, or it can demonstrate the respect a movement commands

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[15] Woodward, interview. Interview by the author with Douglas Johnson, Oxford, 16 December 2007. Douglas H. Johnson and Gerard Prunier. "The Foundation and Expansion of the Sudan People's Liberation Army." *Civil War in The Sudan.* Eds. Daly, M.W. and Ahmad Alawad Sikainga. London: British Academic Press, 1993, 119. Heraclides, "Janus or Sisyphus? The Southern Problem of the Sudan," 224. Amin's ties to Lagu would lead him initially to openly support the SSLM leader, declaring Khartoum's war effort 'barbarous' and akin to South Africa's *apartheid* policy. Joseph Lagu. *Sudan: Odyssey Through a State (From Ruin To Hope).* Khartoum: M.O.B. Center for Sudanese Studies, 2006, 217, 219. Lagu notes that with Amin's ascension to the presidency in Uganda, the Israelis could stop the expensive airlifts running to southern Sudan out of Uganda in favor of land transfers of weapons until Amin turned away from the Israelis several months later.

[16] Peter Woodward, *Sudan, 1898-1989: the Unstable State*, Boulder, Colorado: L. Rienner Publishers; London: L. Crook Academic Pub, 1990, 142. Heraclides, "Janus or Sisyphus? The Southern Problem of the Sudan," 221. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 125-126.

[17] Eprile, *War and Peace in the Sudan 1955-1972*, 143.

[18] Eprile, *War and Peace in the Sudan 1955-1972*, 143. Woodward, interview. Nelson Kasfir. "Sudan's Addis Ababa Treaty: Intraorganizational Factors in the Politics of Compromise." *Post-Independence Sudan.* Ed. C. Allen. Edinburgh, University of Edinburgh, 1981, 148. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 219-220. Amin had apparently been attempting to form an alliance with Sudan in 1971 to secure his own rule, uniting the forces of both states against the Anya Nya rebels in Uganda and the Obote rebels in southern Sudan. Lagu notes that in a conversation to northern Sudanese General Mohammed el-Baghir Ahmed that the May Regime did not trust Amin enough to accept this offer, and instead continued to explore peace options with the Anya Nya. Hizkias Assefa. *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict.* Boulder, Colorado: Westview Press, 1987, 160. Amin and Nimeiri did, however, sign an agreeement in which Sudan would abandon support for Obote and Amin would halt Anya Nya access into Uganda.

internationally.[19] Prior to the supplies received or pilfered from outside sources, most early resistance after the August 1955 mutiny did not rise above the level of banditry in rural Equatoria.[20] The Anya Nya at this time were what has been referred to as 'enclave formations', groups which hide in the countryside and have neither a formal hierarchy nor a set of objectives but were instead 'based on narratives of betrayal and exile'.[21] They were more than simply predatory groups, but lacked the organization or ideological foundation necessary to attract foreign support.[22]

Initial foreign aid to insurgents in both wars was often simply a reaction to Khartoum, not borne out of any ideological allegiance to the rebels themselves. This is especially true in the first war, where the Anya Nya received aid either accidentally, as in its 1965 interception of weapons being sent to the Congo, or purposely, as when it began receiving airdrops from Israel. While Sudanese leaders had been persistent in framing the conflict as an attack on Arabs, during the early ideological period of the May Regime the conflict was also perceived as being a counter-revolutionary

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[19] Eprile, *War and Peace in the Sudan 1955-1972*, 139. The Anya Nya often vacillated over the role Israeli arms played in aiding their struggle. During the war, some leaders would deny reports of Israeli aid, despite evidence to the contrary, no doubt in part because it would compromise their image as an indomitable, indigenous fighting force. A.G.G. Gingyera-Pinycwa. "The Border Implications of the Sudan Civil War: Possibilities for Intervention" *The Southern Sudan: The Problem of National Integration.* Ed. Wai, Dunstan M. London: Frank Cass, 1973, 128. Reports of Israeli aid also could be advantageous to a secessionist cause since internationalizing the conflict seemed an obvious step to take towards legitimizing an incipient southern state, even if such aid was seen by some as contrary to the pan-African, anti-colonialist ideal. Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 125. On the other hand, heavy reliance on outside powers by *non*-separatist groups could lead to charges of inauthenticity and subversion from Khartoum, as when the early May Regime painted northern dissidents such as Sadiq Al-Mahdi as pawns of unfriendly states such as Libya.

[20] Eprile, *War and Peace in the Sudan 1955-1972*, 95. Edgar O'Ballance. *Sudan, Civil War and Terrorism, 1956-99.* New York: St Martin's Press, 2000, 18. The years from 1955 until the early 1960s were generally considered the 'guerrilla survival' period of the war. There was no way to replenish or maintain weapons and the group had no specific political aims. Guerrillas initially had about 200 rifles, but were relying primarily on spears and machetes. Mohamed Omer Beshir. *The Southern Sudan: From Conflict to Peace.* London: C. Hurst & Company, 1975, 51. In May 1956, the number of mutineers who had refused to surrender was estimated to be between 400 and 500, with a substantial amount of arms and ammunition. Douglas H. Johnson. "The Sudan People's Liberation Army and the Problem of Factionalism." *African Guerrillas.* Ed. Christopher Clapham. Oxford: James Currey Ltd, 1998, 54. Johnson also considers the period from the end of 1955 into the early 1960s to be a 'dormant insurgency'. Dunstan M. Wai. *The African-Arab Conflict in the Sudan.* Teaneck, New Jersey: Holmes & Meier Publishers Inc, 1981, 136. Wai stresses the degree to which the early Anya Nya were unsupported by other governments: 'those southerners who sought refuge in Uganda, Kenya and Zaire had to surrender their arms to the then colonial authorities in these states and their arms eventually were handed over to the Khartoum government'.

[21] Morten Bøas and Kevin C. Dunn. "African Guerrilla Politics: Raging Against the Machine?" *African Guerrillas: Raging Against the Machine.* Eds. Bøas, Morten and Kevin C. Dunn. Boulder, Colorado: Lynne Rienner, 2007, 34.

[22] Elias Nyamlel Wakoson. "The Southern Sudan: the Political Leadership of the Anya-Nya Movement." *Post-Independence Sudan.* Ed. C. Allen. Edinburgh, University of Edinburgh, 1981, 94. Wakoson makes a distinction between a 'resistance' movement and a 'revolutionary' movement, noting that the Anya Nya, which had few agreed upon political objectives until late in the war but served as a depot for frustrated, violent southerners. By contrast, the SPLA was a revolutionary movement which had a cause and a manifesto stating its objectives almost upon formation.

movement supported by foreign imperialists, especially with perceived reactionary states such as Israel, Ethiopia, and Congo implicated.[23] Israel was by far the dominant foreign supporter of southern resistance, though its full complicity with the SSLM is not known, in part because the files of the SSLM were destroyed following the AAA. However, soon after the Six-Day War of 1967, some Anya Nya insurgents began receiving small arms and other aid through periodic airdrops in Ethiopia.[24] Beginning in January 1971, Anya Nya would arrive in Israel for weapons, communications, management and medical training.[25] Israel became the Anya Nya's most valuable state ally, providing sufficient weapons to the rebels to sustain their attacks on the Sudanese army, but not enough to engage it in conventional warfare or to make any major territorial gains.[26] There appears to have been no ideological reason for the Israelis to support Lagu over the several other political factions in the south during the late 1960s.[27] Nevertheless, Lagu's dominance in receiving Israeli aid helped him and the SSLM consolidate his control of the Anya Nya.[28]

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[23] Woodward, interview. Mansour Khalid. *The Government They Deserve.* London: Kegan Paul International, 1990, 268. Gabriel Warburg, *Islam, Nationalism and Communism in a Traditional Society.* London: Frank Cass & Company, 1978, 158. Minister for Southern Affairs, Joseph Garang, would accuse the US, West Germany and the Catholic Church of 'trying to create another Biafra'. Mohammed Beshir Hamid and John Howell. "Sudan and the Outside World, 1964-1968." *African Affairs* 273 (October 1969), 302. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 152. Congo was a primary early Anya Nya ally up until the 1965 general election of Sudan. At that time, the ascent of Maghoub to the premiership was seen as a positive sign by the West in the context of Cold War politics. Congo, a Western client, accordingly began halting airdropped aid to Sudanese insurgents in southern Sudan, though it continued to host the insurgency.

[24] Heraclides, "Janus or Sisyphus? The Southern Problem of the Sudan," 223. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 202-203. Lagu confirms that he and Gordon Muortat initiated contact with the Israelis at their embassies in Kampala and Nairobi in the months following the Six-Day War of 1967. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 206-207. Lagu visited Israel in 1968, in order to futher coordinate efforts.

[25] Robert O. Collins. "Civil Wars in the Sudan." *History Compass* 5:6 (2007), 1782.

[26] Woodward, interview. J. Bowyer Bell. "The Conciliation of Insurgency: The Sudanese Experience." *Military Affairs* 39:3 (October 1975), 108-110. Collins, "Civil Wars in the Sudan," 1783. By January 1971, the Anya Nya had captured the Pochalla station in Equatoria, and 'a large quantity of arms, ammunition, and even 82 mm cannons. In the Bahr Al-Ghazal, Anya-Nya systematically mined the major roads to Wau, ambushed an armored column at Tead-Adhol, and ripped up the rails of the strategic railway line to Wau. This startling resurgence by the Anya Nya, now some 13,000 men, was not sufficient, however, to capture the heavily fortified towns in the South.' Beshir, *The Southern Sudan: From Conflict to Peace,* 92-93. Beshir surmises it is possible that Israel had larger geopolitical considerations to its aid aside from merely occupying Arab troops so that they could not be used to fight Israel directly. West German mercenary Rolf Steiner was involved in the insurgency effort and surmised on his capture by Uganda that Israel wanted to avoid being outflanked by both the Arab states and the Soviets in the Red Sea. Wai, *The African-Arab Conflict in the Sudan*, 138. Israel's sole concern was strategic: after the 1967 Arab-Israeli war, more Sudanese troops occupied with insurgents in the south of their own country meant less to come to the aid of Egypt in the event of another war.

[27] Peter Woodward. "Nationalism and Opposition in Sudan." *African Affairs* 80:320 (1981), 382. Woodward, interview. Wai, *The African-Arab Conflict in the Sudan*, 138.

[28] Heraclides, "Janus or Sisyphus? The Southern Problem of the Sudan," 223. Woodward, interview. William Reno. "Economies of war and their transformation: Sudan and the variable impact of natural resources on conflict." *Money Makes the War Go Round: Transforming the Economy of War in the Southern Sudan.* Maison International, Brussels, 12-13 June 2001, 22. Christopher R. Mitchell. "Conflict Resolution and Civil War: Reflections on the Sudanese Settlement of 1972." Center for Conflict Analysis and Resolution. George Mason

By 1971, Lagu's consolidation of his control over Anya Nya forces led to more focus in both leadership and message. Isolating the Anya Nya from international attention for most of the war had been its lack of a consistent, reliable propaganda apparatus to disseminate its message internationally – as the Biafrans had used in their separatist war against Nigeria, for example. For most of its duration, the conflict did not receive regular media coverage outside of the Democratic Republic of the Congo, Kenya and Uganda.[29] However, by the time of the AAA, the SSLM had emissaries in London, Washington, Paris, Addis Ababa and Kampala.[30] The London office of the SSLM was especially valuable, as it put the movement in contact with former Labour MP Sir Dingle Foot, who would later help the SSLM negotiating team during the drafting of the AAA.[31]

Outside assistance to the Anya Nya was never substantial enough to help the movement achieve its professed goal of secession. This was primarily because, while other states saw the rebel movement as a vessel through which to attack the Sudanese government, none of them supported its ultimate objective. Those external actors most committed to the secessionist cause of the Anya Nya were non-state actors: fellow-travelling dissident exiles, for example.[32] In addition, no African state viewed

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University, Washington DC. August 1989, 14. Telephone interview by the author with Benaiah Yongo-Bure, Flint, 2009. Douglas Johnson, *The Root Causes of Sudan's Civil Wars*, Bloomington: Indiana University Press, 2003, 37. Charles Gurdon. *Sudan at the Crossroads.* Cambridgeshire: Menas Press Ltd, 1984, 20. Arop Madut-Arop. *Sudan's Painful Road to Peace: A Full Story of the Founding and Development of the SPLM/SPLA.* Charleston, South Carolina: Booksurge, 2006, 7.

[29] Gingyera-Pinycwa, "The Border Implications of the Sudan Civil War: Possibilities for Intervention," 134. Eprile, *War and Peace in the Sudan 1955-1972*, 55. Wai, *The African-Arab Conflict in the Sudan*, 140.

[30] Eprile, *War and Peace in the Sudan 1955-1972*, 99. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 158. In addition, the London-published Anya Nya organ, *The Grass Curtain*, had an increasing circulation throughout Europe.

[31] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 74. Khalid, *The Government They Deserve*, 269. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 121, 133, 177. Foot, a former Solicitor General who had counciled African nationalists such as Kenyatta and Nkrumah during their battles against colonialism, was barred from sitting in the actual Addis Ababa negotiations based on objections from the Khartoum delegation.

[32] Beshir, *The Southern Sudan: From Conflict to Peace*, 91. Beshir implicates a series of non-governmental organizations and individuals whom he charges with directing aid to the Anya Nya, or at least providing publicity for it, including missionary organizations such as the Verona Fathers. West German mercenary Rolf Steiner was involved in the insurgency effort and surmised on his capture by Uganda that Israel wanted to avoid being outflanked by both the Arab states and the Soviets in the Red Sea.

[32] Woodward, "Nationalism and Opposition in Sudan," 382. Woodward, interview.

[32] Heraclides, "Janus or Sisyphus? The Southern Problem of the Sudan," 223. Woodward, interview. Reno, "Economies of war and their transformation," 22. Mitchell, "Conflict Resolution and Civil War: Reflections on the Sudanese Settlement of 1972," 14. Yongo-Bure, interview. Johnson, *The Root Causes of Sudan's Civil Wars*, 37. Gurdon, *Sudan at the Crossroads*, 20. Eprile, *War and Peace in the Sudan 1955-1972*, 139.

the war as a crusade: Christianity had not been a strong enough ideological force to compel Christian-led regimes to intervene on behalf of the Southern Sudanese, even in sub-Saharan Africa.[33]

Even the still-potent ideology of African liberation did not mobilize the continent to the Anya Nya cause. No African state, especially not those in the region, would easily recognize a movement to create a Southern Sudan state. This became an even firmer rule after the experience of the Biafra secessionist movement in Nigeria, which overshadowed the Sudanese insurgency until its collapse in 1970, when it became a case study of the folly of secessionist wars.[34] That conflict had split the OAU states, but those who had supported the doomed Biafran campaign were now chastened.[35] Even liberation-minded states such as Tanzania, which had supported the Biafrans, did not support southern Sudanese secession.[36] Uganda, Ethiopia, and the Democratic Republic of the Congo were among the most sympathetic of all states to the Anya Nya by 1971, but none of them wished to encourage separatism in Africa. Ethiopia and the Congo were fighting their own secessionist rebels, while Kenya had concerns about separatist potential among ethnic Somalis in the north and Uganda did not wish to encourage small kingdoms like Buganda to seek self-determination.[37]

TRACK TWO DIPLOMACY AND THE AAA

Track one actors – states – can raise the profile of both war and peace efforts, internationalizing conflict in ways governments waging civil war often are cautious of doing, especially if those governments are strongly nationalist, as was the case

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[32] Gingyera-Pinycwa, "The Border Implications of the Sudan Civil War: Possibilities for Intervention," 134. Eprile, *War and Peace in the Sudan 1955-1972*, 55.
[32] Eprile, *War and Peace in the Sudan 1955-1972*, 99. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 158.
[32] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 74. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 121, 133.
[33] Gingyera-Pinycwa, "The Border Implications of the Sudan Civil War: Possibilities for Intervention," 130.
[34] Howell, "Horn of Africa," 427. Eprile, *War and Peace in the Sudan 1955-1972*, 137. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 161. The contrast between the Biafran struggle and that of southern Sudan forced the Anya Nya to attempt a more articulate version of its southern nationalist rhetoric, declaring that the struggle in Sudan differed from that in Nigeria as the southern Sudanese were not fighting to split an African country, but to protect African culture from the oppressive forces of Arabism and imperialism.
[35] Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 161.
[36] Johnson, *The Root Causes of Sudan's Civil Wars*, 31. Wai, *The African-Arab Conflict in the Sudan*, 133.
[37] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 71-72.

with regimes during the first war.[38] At the end of the first war, negotiations relied on elements of multi-track diplomacy, in which the discretion and understanding of the problem of non-governmental organizations were backed by the resources of governments, both in the region and on an international level. The World Council of Churches/All Africa Council of Churches mediation efforts in the first war demonstrate the usefulness of a non-governmental body in establishing informal communications between warring parties and bringing them together without compromising the interests of the parties or formally obligating them to put those interests at risk in the future.[39]

According to Dixon and Simmons,

'track two can be broadly understood to mean unofficial, non-governmental interventions to prevent or resolve violent conflict. Such efforts can attempt to mediate conflict directly in the absence of official mediation, prepare the way for such official efforts or work alongside formal talks to improve the climate and contribute to a successful outcome to negotiations. The focus is on unofficial work in support of official diplomatic negotiations that address civil war, as distinct from other activities.'[40]

Track two mediators ideally are seen to be impartial, without agendas, and able to facilitate trust between parties. They can also provide a conduit for representatives from the full spectrum of society, giving an agreement wider legitimacy.[41]

An example of the difficulties of relying on a mediator that is not seen as neutral by both parties occurred in 1970. Due to the early leftist composition of the May Regime, it was not surprising that an international track two precursor to WCC/AACC involvement was that of the Movement for Colonial Freedom (MCF), a

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[38] Fen Osler Hampson. "Parent, Midwife, or Accidental Executioner? The Role of Third Parties in Ending Violent Conflict." *Turbulent Peace: The Challenges of Managing International Conflict.* Eds. Crocker, Chester A., Fen Osler Hampson and Pamela Aall. Washington DC: United States Institute of Peace Press, 2003, 391. Crocker, Hampson and Aall 2003, 508.

[39] Crocker, Hampson, Aall 1999, 30. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 184. Assefa notes the strange environment of the spirit of reconciliation, in which 'the mediators were able to create this atmosphere perhaps because of the moral authority ascribed to them by their representing religious rather than political organizations, and because they were perceived as legitimate organizations to be concerned about reconciliation and compromise.' Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 205. WCC mediator Leopoldo Niilus insists the moderators tried to take as invisible a role as possible, especially when it comes to credit for those who facilitated the agreement. They used terms such as 'go-between' rather than 'mediator'.

[40] Peter Dixon and Mark Simmons. "The Role of Track Two Initiatives." *Peace by Piece: Addressing Sudan's Conflicts.* Accord 18 (2006). London: Conciliation Resources, 2006, 60.

[41] Dixon and Simmons, "The Role of Track Two Initiatives," 61.

leftist British society not connected to government, though affiliated with several hundred British politicians, dominantly of the Labour Party. In 1970 it established contacts with both the May Regime and the SSLM's representatives in London. However, southerners at this point did not trust the new regime, particularly while its peace overtures were being made during the May Regime's early, Soviet-backed assaults on the Anya Nya.[42] The middleman between the MCF and other leftist groups which could have proved potential mediators, was with Joseph Garang, and as the influence of his clique waned throughout the course of 1970, contact between the regime and such groups was suspended.[43]

The WCC/AACC role as a facilitator of the AAA was somewhat unexpected given the contentious nature of churches in the south versus Sudan's early post-independence regimes. Abboud's expulsion of missionaries from the south, along with the regime's push to Islamize the region, led to exiled southern leaders convincing international Christian organizations of religious persecution.[44] Though exiled southerners were not able to translate this concern into high-profile political action, it was at least one form of international attention. Sudan was loath to rely on international or regional organizations to mediate the conflict, but the WCC/AACC was able to build up a level of trust with post-Abboud governments by staying politically neutral. The WCC/AACC had another advantage over other mediating bodies in that it had access to leaders across Africa, including in Sudan.[45] When Sadiq Al-Mahdi became Prime Minister in 1966, he welcomed a large delegation of the AACC on their first visit to the country.[46] This meeting did much to establish the organization's credit with northerners and created some apprehension on the part of southerners, as the AACC was seen in the south as having accepted Khartoum's

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[42] Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 138-140.
[43] Abu Baker El Obeid, *Political Consequences of the Addis Ababa Agreement.* Stockholm: Liber Tryck, 1980, 93, 109-111.
[44] Mohammed Beshir Hamid. "Devolution and National Integration in the Southern Sudan." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset, UK: Gower Publishing, 1986, 184. Telephone interview by the author with Richard Lobban, Providence, 2009.
[45] Mitchell, "Conflict Resolution and Civil War: Reflections on the Sudanese Settlement of 1972," 21. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 208. The WCC had several tiers it could call upon for negotiation, such as the regional group, the AACC. It could also use the national organization, the Sudan Council of Churches, and even turn to local churches if it needed to.
[46] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 77. Wai, *The African-Arab Conflict in the Sudan*, 143.

version of the war, and not having even attempted to make contact with insurgents.[47] The May Regime had less reason to be concerned about NGO freedom in the south, as the isolated nature of the first war meant that any NGO involvement there would generally pass through Khartoum, making it easier for the government to manage than it would become in the second war.

Khartoum's willingness to work with the WCC/AACC highlights the importance of nationalist aspirations during this period, devoid of the inflexible political commitment to Islam which would define the late Nimeiri regime and the NIF regime. Importantly, the relationship between Sudan and the church organization was established under Sadiq Al-Mahdi, demonstrating the flexibility nationalist parliamentary leaders had when dealing with secular or non-Islamic religious institutions, so long these institutions had no direct connection to former colonial powers.[48] It was significant that both AACC mediators were fellow Africans; Burgess Carr was Liberian and fellow mediator K. E. Ankrah was from Ghana. Sudan Council of Churches delegate Samuel Athi Bwogo, a participant in preparatory work for the negotiations, was from southern Sudan.[49] In this sense, the WCC/AACC as it was represented was less an international church organization than a regional body, a prototype for the role IGAD would serve in the peace process resulting in the CPA, but without the direct involvement of other states that made the nationalists of the 1970s uneasy. As yet another example of war eroding the integrity of national

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[47] Mitchell, "Conflict Resolution and Civil War: Reflections on the Sudanese Settlement of 1972," 20. Johnson, interview. Wai, *The African-Arab Conflict in the Sudan*, 143. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 110, 168. While the Anya Nya could be skeptical of the AACC, it had a very good relationship with the WCC.

[48] Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 96, 166, 175. WCC mediator Leopoldo Niilus speculated that 'the government and other forces in the country began to trust us as they became convinced that we had no personal stake in the matter, that we could not be linked with any outside colonial or neo-colonial manoeuvre'. Strengthening its credentials among nationalists was the WCC/AACC's commitment to ensuring that Sudanese were the primary participants in the agreement. To this end, mediator K.E. Ankrah made a point to repeatedly warn the parties during the talks in late 1971 to question the motives of their foreign supporters of the war effort.

[49] Beshir, *The Southern Sudan: From Conflict to Peace*, 128-129. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 131, 170. Ankrah had worked for years in southern Sudan with refugees, as the WCC Refugee Secretary for Africa, and was greatly trusted by the SSLM delegation. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 171. Carr was adroit at taking advantage of African pride in the talks, stressing the African context of negotiations. He was expert at asserting his own authority this way, making it difficult for parties to turn him down when he made a suggestion. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 173. Samuel Athi Bwongo, though a Sudanese, was not always trusted by the delegates. Northerners were suspicious of him because he was a southerner, while southerners were skeptical of him because he lived in the north.

institutions, during the second war the Sudan Council of Churches would split into two branches as the pressure of the conflict made a national council unsustainable.[50]

The international legitimacy bestowed on an insurgency coming into negotiations can also affect the conduct of those negotiations. During the AAA talks, the government delegation was happy with a casual approach to mediation, while the SSLM sought to formalize roles as much as possible. Carr believes that this was in order to gain the official recognition which had been denied them for so long by the government.[51] The negotiators set up the agenda so that the most easily resolvable issues of contention would be tabled first.[52] In addition, the team of Carr, Ankrah, Bwongo and Niilus was ideal because they could break down the delegations into smaller groups, detaching more specialized areas of governance and economics from the broader negotiations as needed.[53] This way, mediation could enter into technical details while still maintaining some consistent element of mediation under the umbrella of the WCC/AACC.

In her analysis of track two diplomacy as discussed with American diplomats, Chataway concludes that 'it will be important to maintain some distance between Tracks I and II' in order for each to be effective in contributing to conflict resolution.[54] However, relations between the WCC/AACC and the official peace process became more successful as they grew closer. The church organization was, in fact, a track two body that officially entered the track one process of mediation. The WCC/AACC began its involvement in the conflict resolution process by concentrating on the humanitarian dimension. It is possible that as early as December 1970 the church organization had considered bringing the parties together, but the preparatory work done in Addis Ababa in January 1971 concerned humanitarian issues specifically. There were early hurdles to switching out of this realm into that of peace negotiations. Church organizations remained cool to the idea of liasing with Khartoum to help facilitate a negotiated peace while the Minister for Southern Affairs

[50] Kelleher, "A Small State's Multiple-level Approach to Peace-making," 301-302.
[51] Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 133.
[52] Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 175.
[53] Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 170.
[54] Cynthia J. Chataway. "Track II Diplomacy from a Track I Perspective." *Negotiation Journal* 14:3 (1998), 16.

was the ardently anti-missionary communist leader Joseph Garang.[55] The OAU's principles of 'non-interference' in the internal affairs of African states also inhibited the AACC from deviating from humanitarian issues.[56]

However, over the course of 1971, tentative steps were taken towards a mission change. In March 1971, the WCC/AACC delegation arrived at Kampala, meeting church groups there which were active in channelling money and humanitarian aid to the Anya Nya. These groups asked the WCC/AACC to concentrate more on mediation than on channelling aid to the south through Khartoum, as it had previously been attempting.[57] WCC/AACC representatives had by then become convinced that the obstacle to peace was not religion but 'a complexity of reasons – which might include religion, race, political, social and economic factors, combining to create a political problem.'[58] In May, the delegation told government officials in Khartoum it would try to establish contact with Anya Nya leaders as a precursor to formal negotiations. By October, the southerners indicated they were receptive.[59] In the interim, the *coup* attempt by leftist hardliners had resulted in Nimeiri's eventual execution of communist Joseph Garang; his replacement as Minister of Southern Affairs by the more moderate Abel Alier might also have facilitated better communication with the church delegation.[60] Alier had told the AACC delegation

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[55] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 56. Kasfir, "Sudan's Addis Ababa Treaty: Intraorganizational Factors in the Politics of Compromise," 147. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 111-112, 114.

[56] Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 101. Heraclides, "Janus or Sisyphus? The Southern Problem of the Sudan," 215. Jeffrey Herbst. *States and Power in Africa: Comparative Lessons in Authority and Control.* Princeton, New Jersey: Princeton University Press, 2000, 104. *Organization of African Unity Charter*, Article II, Section 1c, Article III, Sections 2 and 3. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 116. So concerned were the WCC about violating this tenet that there was a dispute over facilitating the travel of SSLM figures to and from Europe in order to correspond with the insurgent hierarchy. Such moves were necessary to facilitate negotiations, but could be construed as a compromise of the organization's neutrality.

[57] Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 103. Mitchell, "Conflict Resolution and Civil War: Reflections on the Sudanese Settlement of 1972," 18.

[58] Beshir, *The Southern Sudan: From Conflict to Peace*, 81.

[59] Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 107, 110-111. Mitchell, "Conflict Resolution and Civil War: Reflections on the Sudanese Settlement of 1972," 7.

[60] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 63. Dunstan M. Wai. "The Sudan: Domestic Politics and Foreign Relations under Nimeiry." *African Affairs* 78:312 (July 1979), 305. Johnson, interview. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 114, 116-118. Alier was also the first southern minister to begin outlines for regional autonomy for the south, a goal for the region laid out in Nimeiri's June 1969 declaration, but resisted by the former minister for the south, Joseph Garang. These plans were relayed in September 1971 to SSLM representative in London Mading de Garang via the WCC/AACC as an example of the government's thoughts on what a regional autonomy proposal would consist of. Mom Kou Nhial Arou, "Devolution and the Southern Problem in the Sudan." *Post-Independence Sudan.* Ed. C. Allen. Edinburgh, University of Edinburgh, 1981, 131-132. The government delegation used the secret talks to lay out a

that Khartoum was ready to conduct talks, but only on the basis of a unified Sudanese state. In stark contrast to the government's practice in the second war of making peace with smaller militias in order to weaken the larger force of the SPLA, Alier demanded that the exiles Khartoum talked to must not represent splinter factions, but the bulk of Anya Nya fighters inside the south, so they would therefore abide by the final outcome of negotiations.[61] The WCC/AACC also relayed a message from Alier and El-Baghir that the government and the SSLM should have a preliminary meeting, which they did in early November 1971.[62]

In keeping with Khartoum's reluctance to allow external organizations to be represented in the negotiations, WCC/AACC delegate Burgess Carr was kept on as the primary 'moderator' for the talks, but served as an individual and not a representative of the church 'or any other foreign entity', with no power to force rulings on either side.[63] However, foreign observation was useful to both parties in observing the formal conclusion of the Addis Ababa negotiations, as the agreement was witnessed and signed by Haile Selassie, and the WCC/AACC representatives.[64] The agreement also allowed a small amount of UN involvement in dealing with what was generally regarded as a field of its expertise; the coordination of efforts to repatriate refugees.[65]

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program of regional autonomy which assured general amnesty for all insurgents, the participation of southerners in national and regional administration, even in sensitive areas of employment such as the army and police force. Arou notes that this was the first time during the war that Khartoum had approached the rebels with any plan for regional autonomy.

[61] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 77.

[62] Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 121. Wai, *The African-Arab Conflict in the Sudan*, 154. Madut-Arop, *Sudan's Painful Road to Peace*, 15. Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 79. Mitchell, "Conflict Resolution and Civil War: Reflections on the Sudanese Settlement of 1972," 22. The four church representatives at that meeting were called in twice to resolve deadlocks, including on the issue of whether talks should be conducted on the basis of a unified state.

[63] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 98. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 252. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 131, 148. Carr was also useful in his capacity as a moderator after the agreement had been concluded: it was he who convinced Lagu to dramatically come to Khartoum after the AAA signing, rather than return to the bush immediately to demobilize his troops.

[64] *Addis Ababa Agreement: Protocols on Interim Arrangements*, Chapter IV, part II, article 6. Chapter IV, part I, Article 2. *Addis Ababa Agreement: Agreement on the Ceasefire in the Southern Region*, Article 6. The UN High Commmisioner for Refugees was also consulted on cease fire questions, as was the Red Cross and the WCC/AACC. Wai, *The African-Arab Conflict in the Sudan*, 157. It was thought by both parties initially that Haile Selassie was to chair the negotiations, but the emperor reasoned that if the final agreement produced significant autonomous status for southern Sudan, he might be put under pressure to emulate the example in Eritrea.

[65] *Addis Ababa Agreement: Protocols on Interim Arrangements*, article 2.

Foreign actors were not able to apply much pressure on the two parties in the Addis Ababa negotiations, but could curb their ambitions, as the following examples demonstrate. A major point of dispute about the AAA negotiations among some insurgents who were critical of it was that the agreement instituted regional autonomy, but not federation. Dingle Foot disputed the significance of this, noting that the SSLM delegation had achieved everything short of formal federation.[66] Lagu masked his inability to concede the AAA as originally negotiated by stating that the original delegation did not sufficiently inform him about what concessions were being made on his behalf. However, Ethiopian intelligence head Nebiyelul Kifle, had access to the telex machines the insurgent delegation in Addis Ababa had used to confer with headquarters. When he produced several telexes on 27 February 1972 contradicting Lagu's story, the SSLM leader dropped his opposition to the signing of the treaty.[67] On two occasions the WCC warned the Khartoum delegation that if the government did not end its anti-Anya Nya propaganda during the talks, and if it did not stop the December 1971 military offensive, the mediators would withdraw.[68] As a result, Vice President Alier persuaded Foreign Minister Mansour Khalid to recall all Sudanese ambassadors to Khartoum to brief them on the state of negotiations and instruct them to cease anti-Anya Nya propaganda.[69]

NIMEIRI'S REVERSAL OF ALLIANCES

Sudan's success with peace agreements in both cases followed or instigated a much larger shift of Khartoum's ideological priorities. The 1967 Arab-Israeli war and its fallout made conditions ill-suited towards peace talks for the rest of the decade and precipitated Sudan's reliance on Soviet patronage. After the 1967 war, the Soviets began providing what would amount to US$150 million in aid to Khartoum.[70] The deal was consummated in January 1968, when a US$100 million agreement was reached between the states.[71] However, it was not until the Nimeiri regime that Soviet

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[66] Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 145.
[67] Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 146-147.
[68] Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 175.
[69] Wai, *The African-Arab Conflict in the Sudan*, 157.
[70] Korwa G. Adar. "A State Under Siege: The Internationalisation of the Sudanese Civil War." African Security Review 7.1 (1998). Wai, *The African-Arab Conflict in the Sudan*, 135.
[71] Eprile, *War and Peace in the Sudan 1955-1972*, 103. International Crisis Group. *God, Oil and Country: Changing the Logic of War in Sudan.* 10 January 2002, 10.

backing became most obvious, with Soviet military advisors entering Sudan in 1970.[72] Dependence on Moscow might have begun as an obvious alliance to the early leftist-oriented May Regime, but it eventually became an embarrassment. Much of the state's high-grade cotton was chartered to Eastern Bloc states in return for support, and Khartoum was also dependent on Moscow for spare parts needed to maintain Soviet military equipment.[73] By conspicuously filling up technical posts on the rationale that there were not enough trained Sudanese to do so, Soviets earned disdain from some nationalists as exploiters of the Sudanese.[74] The practice revived memories of the pre-Sudanization period of British rule during which Sudanese were similarly locked out of administrative positions.

Nimeiri's promotion of socialism and dalliance with the Eastern Bloc ended after the failed *coup* attempt of 1971, and relations with the US would resume just months after the AAA.[75] While there is little doubt that the failed *coup* attempt against him instigated this shift, Nimeiri had other incentives to couple switching alignment to the West with ending the war.[76] In addition to being a drain on Sudan's financial resources, Western European states – a major source of aid and development for Africa – were hesitant to give assistance to Khartoum while hostilities in the south continued.[77] A further economic incentive for the switch was that through its influence at the World Bank, the US could help Sudan finance the major agricultural

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[72] Eprile, *War and Peace in the Sudan 1955-1972*, 103-106. Soviets trained Sudanese pilots to bomb rebel targets in the south throughout early 1971. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 221. Lagu notes that by 1970, Soviet military equipment such as T-55 tanks and Anatov aircraft was also being delivered to Khartoum. Wai, *The African-Arab Conflict in the Sudan*, 134-135. Wai gives details such as the fact that over 1000 Soviet advisors served in Sudan, over 100 of these in the south. Tanks, howitzers, artillery, helicopters and their corresponding crews were all sent to Sudan from Moscow. Wai, "The Sudan: Domestic Politics and Foreign Relations under Nimeiry," 301. By 1970, there were 2000 Soviet and East European technical advisors stationed throughout Sudan.

[73] Eprile, *War and Peace in the Sudan 1955-1972*, 32, 120. Khalid, *Nimeiri and the Revolution of Dis-may*, 299. Wai, "The Sudan: Domestic Politics and Foreign Relations under Nimeiry," 300-301, 309. After the 1971 coup, Khartoum halted Soviet imports, accusing the Soviets of overcharging Sudan for goods and equipment such as tractors, while selling Sudanese cotton at discounts to traditional Sudanese customers.

[74] Gurdon, *Sudan at the Crossroads*, 26.

[75] Johnson, *The Root Causes of Sudan's Civil Wars*, 57. Lobban, interview.

[76] Lobban, interview. Warburg, *Islam, Nationalism and Communism in a Traditional Society*, 133. While it cannot be proved that the communists knew about the *coup* in advance, they supported it after Colonel Hashim Al-Ata assumed power. Eprile, *War and Peace in the Sudan 1955-1972*, 120-121. An early dignitary to recognize the new regime was Soviet Ambassador to Khartoum, Anatoly Nikolayev. Nikolayev's move, which, compounded with the apparent approval of the *coup* by Sudanese communists, added to Nimeiri's newfound anti-communist, anti-Soviet prejudice.

[77] Beshir, *The Southern Sudan: From Conflict to Peace*, 130. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 174. This provided a strong incentive to end the war as it became more destructive.

projects the May Regime had planned for Sudan in the 1970s.[78] In March 1972, Nimeiri declared that, since the Soviet Union was withholding replacement parts for Sudan's weaponry after the execution of leading Sudanese communists in the wake of the July 1971 *coup* attempt, Sudan would seek out other patrons.[79]

From the outset, the May Regime sought to be viewed as a legitimate nationalist movement by other African states, even hosting a summit meeting in Khartoum of East and Central African states as early as January 1970.[80] It was not until after the AAA, however, that Sudan fully established its reputation as a moderator in both Arab and African spheres, as well as a Western ally.[81] The warming of relations between Sudan and Ethiopia was also in line with Nimeiri's shift to the Western Bloc. Imperial Ethiopia – a conservative, non-Muslim state, was hostile to Arab socialism and a close ally to the US and Israel.[82] Relations between Chad and Sudan were solidified after the AAA, when Khartoum ended its support for Frolinat, a Chadian Islamist insurgent group.[83] Throughout Africa, Nimeiri would now recraft his image as that of a bold African peacemaker.[84] Sudan's often tense relations with more conservative Arab states were also thawing. By late 1971, relations between Khartoum and Riyadh were on the mend. The Saudis had been unhappy with Sudan's ties to the Eastern Bloc states, and retaliated by staying on friendly terms with much of the northern opposition in exile.[85] Nimeiri made his first official visit to Saudi Arabia in April 1972, immediately after the AAA, and two years later both

[78] Khalid, *Nimeiri and the Revolution of Dis-may*, 306, 312.
[79] Eprile, *War and Peace in the Sudan 1955-1972*, 122-123. China had already begun petitioning to pull Sudan away from its Soviet rival, offering to make up for any reduction of trade and aid from the USSR and double Chinese trade.
[80] Stevens, "The 1972 Addis Ababa Agreement and the Sudan's Afro-Arab Policy," 253. The meeting was attended by representatives from Burundi, the Central African Republic, Chad, the Republic of the Congo, the Democratic Republic of the Congo, Ethiopia, Kenya, Uganda, Malawi, Rwanda, Somalia, Tanzania, and Zambia.
[81] Deng, *War of Visions: Conflict of Identities in the Sudan*, 360.
[82] Stevens, "The 1972 Addis Ababa Agreement and the Sudan's Afro-Arab Policy," 259.
[83] Stevens, "The 1972 Addis Ababa Agreement and the Sudan's Afro-Arab Policy," 254.
[84] Khalid, *Nimeiri and the Revolution of Dis-may*, 59-60. President Julius Nyerere of Tanzania, a famous advocate for African nationalism who had been suspicious of the May Regime before the AAA because of its ostensible Arab socialist character, felt that the peace agreement demonstrated Nimeiri was a genuinely African leader and voiced his support for the May Regime in an April 1974 letter to the Sudanese president.
[85] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 67. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 120.

states would agree to jointly explore the Red Sea's mineral resources, ending a long dispute between them.[86]

On the other hand, the AAA was not greeted with great enthusiasm by more radical Arab states as it meant Sudan would never be able to fully commit to the eventual goal of an Arab federation. It became clear that a united Arab federation of states was not to be salvaged when Sudan began to pull away from the idea in mid-1971.[87] Cairo was dismayed with Khartoum's new hesitancy concerning federation, and a pro-Egyptian Lebanese paper accused Sudan of moving 'away from African unity' and now 'preferring to work with reactionary African states and the West.'[88] The erosion of the exclusively Arab component of northern nationalism helped facilitate peace with the south and contributed to its cohesiveness during the early post-war years. Personal relations between Nimeiri and Muammar Qaddafi of Libya in particular would begin to deteriorate after the AAA. Their atrophy was not primarily because of the signing of that agreement specifically, but because of Nimeiri's reorientation away from federation and toward the wealthy, conservative Arab states. Libya, like Egypt, had aided Nimeiri in fending off the 1971 *coup* attempt against

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[86] Khalid, *Nimeiri and the Revolution of Dis-may*, 332. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 120.

[87] Deng, *War of Visions: Conflict of Identities in the Sudan*, 157. Wai, *The African-Arab Conflict in the Sudan*, 163. Eprile, *War and Peace in the Sudan 1955-1972*, 139. Wakoson, "The Southern Sudan: the Political Leadership of the Anya-Nya Movement," 93. Stevens, "The 1972 Addis Ababa Agreement and the Sudan's Afro-Arab Policy," 254. Woodward, *Sudan, 1898-1989: the Unstable State*, 166. 'The abandonment of union... was a prerequisite of the Addis Ababa Agreement.' Dunstan M. Wai. "Revolution, Rhetoric, and Reality in the Sudan." *The Journal of Modern African Studies* 17:1 (1979), 83-84. Wai notes that while the pan-Arabists in the May Regime had succeeded in securing Nimeiri's commitment to joining a federation with Egypt and Libya in the summer of 1970, as the war in the south continued, that faction lost influence with Nimeiri. Oluwadare Aguda. "Arabism and Pan-Arabism in Sudanese Politics." *The Journal of Modern African Studies* 11:2 (1973), 178. Sudan's refraining from joining the Arab union also had internal repercussions, as many Sudanese, especially those aligned with the *Khatmiyya* sect, were more sympathetic to stronger ties with Egypt. Defense Minister and Army Commander-in-Chief Khalid Hassan Abbas resigned his post 'for health reasons', as did others. The end of the federation option with Egypt therefore provided further motivation for the *Khatmiyya* faction's hostility to the May Regime. Aguda, "Arabism and Pan-Arabism in Sudanese Politics," 186. Another reason it was difficult for northern Sudanese to federate with Egypt was the traditional moral superiority many northerners felt towards Egypt. This was felt most strongly in the *Mahdiyya* tradition, which held Egyptians as being more corrupted and compromised by Western influence than the Sudanese.

[88] Eprile, *War and Peace in the Sudan 1955-1972*, 138. Woodward, *Sudan, 1898-1989: the Unstable State*, 170. Khalid, *Nimeiri and the Revolution of Dis-may*, 309. Hamid, "Devolution and National Integration in the Southern Sudan," 169. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 120. Wai, "The Sudan: Domestic Politics and Foreign Relations under Nimeiry," 306. Most unusually, Sudan made its shift to the US sphere of influence with little regard for Egypt's position on the matter. Sudan restored relations with the US in July 1972, earlier than most other Arab states which had broken them off after 1967. This led to a chill in Egyptian-Sudanese relations, even though Sadat would begin his own gravitation towards the Western Bloc the following year. The US donation of US$18 million to rehabilitate and resettle the southern region – the largest single amount from any donor after the AAA was signed – helped facilitate warmer relations.

him.[89] Qaddafi took Nimeiri's warming to reactionary states such as Saudi Arabia as an unnecessary insult after the rejection of federation.[90] However, while Qaddafi found Khartoum's need to appease its non-Arab minority distasteful, he did not denounce the AAA or actively seek to undermine it immediately.[91]

The fluid environment created by the period it took for Nimeiri's regime to pivot towards the West was in itself conducive to the talks. In late 1971, during the preliminary talks in Addis Ababa, Alier warned SSLM leaders and other southern exiles that the conditions which had allowed the insurgency to continue throughout the 1960s would soon be less favorable: as Khartoum sought to improve relations with the West and its regional allies, it would ask in exchange that these states end even tacit support for southern insurgents.[92] As foreign military assistance had helped consolidate and empower the Anya Nya, the movement became more heavily reliant on the external aid, especially for ammunition, mines, and medical supplies.[93] Losing access to this equipment would return the Anya Nya to its pre-1960s status as little more than organized banditry, reducing any leverage it had for negotiations with Khartoum.

While the AAA did not have as formalized a role for foreign influence on its crafting and implementation as the CPA did, it was not immune to outside pressure. A

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[89] Wai, "The Sudan: Domestic Politics and Foreign Relations under Nimeiry," 304.
[90] Khalid, *Nimeiri and the Revolution of Dis-may*, 23. Gurdon, *Sudan at the Crossroads*, 28.
[91] Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 330. Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 145, 192-193. The most dramatic opposition to the AAA came not from Sudan's neighbors, but from Arab nationalists who were concerned that the agreement was the codification of Khartoum's abandonment of general Arab interests, such as the Palestinian cause. Deng, *War of Visions: Conflict of Identities in the Sudan*, 363. Peter Woodward. *US Foreign Policy and the Horn of Africa.* Hampshire, UK: Ashgate Publishing Limited, 2006, 31. The March 1973 assassination of the US Ambassador to Khartoum, his deputy, and another diplomat by the radical Palestinian group Black September on the first anniversary of the AAA was in protest of Khartoum's move away from Arab nationalism and towards the West.
[92] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 68. Wai, *The African-Arab Conflict in the Sudan*, 155. Alier realized his contacts at that meeting, Lawrence Wol Wol and Mading de Garang, must have the trust of Lagu to be assigned such high profile roles as those which they had assumed. He knew that convincing them of the limits of what could be negotiated would influence Lagu's acceptance of the situation. In addition, he had met both men before they became active representatives of the insurgency. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 158. A completely unrelated additional reason for the southern insurgents to want to halt the war was the disasterous medical situation in the region. Cholera and small pox epidemics had broken out in the south by the early 1970s, and the war halted efforts to combat them.
[93] Howell, "Horn of Africa," 426. Eprile, *War and Peace in the Sudan 1955-1972*, 96. Abdel Salam M. Sidahmed. *Politics and Islam in Contemporary Sudan.* New York: St. Martin's Press, 1996, 86. Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 136. The Anya Nya had no steady access to weapons aside from those acquired from foreign governments. Insurgents had been lightly armed before the interception of weapons to the Congolese rebels in 1965, relying primarily on homemade weapons.

weakness of the implementation of the earlier agreement was its reliance on outside sources of aid. Some of the main sources of funds for the institutions set up by the AAA, and the employment opportunities they provided for former Anya Nya, were provided by aid organizations or friendly governments. However, as the world economy stumbled after 1973, sources of revenue for the government became scarcer.[94] This highlights a problem faced by international intervention into civil wars. The superficially controlled negotiating environment created by outside actors who will not remain continually invested in maintaining the peace agreement means and who derive little authority from the rank and file of warring factions means that, in a worst case scenario, peace agreements can be formed that are both weakly enforced and of dubious legitimacy.

Despite its weak international support financially, the AAA benefited from both its being seen as an innovation in African conflict resolution and because it appeared to fit in the context of post-colonial Africa in a way the southern insurgency did not: reconciliation between Africans of different ethnicities within the same state was a more appealing and optimistic vision of the continent's future than yet another war fought over colonially imposed boundaries.

SOVEREIGNTY AND FOREIGN INTERFERENCE

Sudan's earlier post-independence regimes often displayed ambivalence about the nation's role in world affairs. The buoyancy of early northern nationalism and the need to focus on state integration led to a reluctance to engage even in the few foreign policy dilemmas of the isolated colonial age, as epitomized by the rapid dissolution of the Nile Valley Unity movement in the mid-1950s.[95] This trend towards withdrawal continued into the first military junta, a regime whose only major foreign policy achievement was negotiating a new Nile Waters Agreement with Egypt.[96] Suspicion

[94] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 169-170. Alier notes that the first cutbacks in AAA-provided jobs were in areas such as the forestry service, whose size was reduced by a third as early as 1975.
[95] Woodward, *Sudan, 1898-1989: the Unstable State*, 88. Abdel Salam Sidahmed and Alsir Sidahmed. *Sudan: The Contemporary Middle East.* London: Routledge, 2005, 82. Sidahmed adds that union with Egypt was increasingly opposed by Sudanese business interests and the small middle class, who saw competition from the much larger Egyptian merchant class as a threat to their interests.
[96] Woodward, *Sudan, 1898-1989: the Unstable State*, 132.

of foreign involvement in the internal affairs of post-colonial states was widespread among regimes across the continent, even in matters of conflict mediation. In May 1961, Sudan participated with most other
African regimes in a conference held in Liberia in which the attendees pledged 'non-interference' in the domestic issues of post-colonial African states.[97] Abboud's Sudan sought to remain unaligned in the Cold War, primarily to retain goodwill and economic aid from all parties.[98]

The caretaker government brought to power after the 1964 October Revolution sought to deliberately contradict what it considered Abboud's ideological indifference. Its more Arab socialist, anti-imperialist agenda involved reengaging the world through support of liberation movements in the region, namely backing Nasser and the republicans in the North Yemen Civil War, the Eritrean secessionists in Ethiopia, and the Simba rebels in the Congo.[99] The consequence was Sudan's post-colonial introduction to the regional cross-border intrigue which would contribute to its domestic instability and the tenacity of the southern insurgency. Ethiopia and the Congo began their support for the Anya Nya as a result of Sudan's interference within their borders.[100]

Early concentration on establishing the legitimacy of the post-colonial government led to a tendency to use domestic processes to resolve the war. During Sudan's first attempt at seeking a non-military solution, the Round Table discussions of 1965, heavy emphasis was placed on keeping the conflict internally mediated, with

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[97] George W. Shepherd. *The Politics of African Nationalism: Challenge to American Policy.* New York: Praeger, 1962, 82.

[98] Hamid, "Devolution and National Integration in the Southern Sudan," 163. Hamid and Howell, "Sudan and the Outside World, 1964-1968," 299.

[99] Woodward, *Sudan, 1898-1989: the Unstable State*, 132. Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 136. Hamid, "Devolution and National Integration in the Southern Sudan," 166. Hamid and Howell "Sudan and the Outside World, 1964-1968," 301-302.

[100] Woodward, *Sudan, 1898-1989: the Unstable State*, 132. Hamid, "Aspects of Sudanese Foreign Policy," 129. Chad also provided some support to the Anya Nya from this point. Daniel Large. "China's Involvement in Armed Conflict and Post-War Reconstruction in Africa: Sudan in Comparative Context." *Danish Institute for International Studies.* 2007:8 (2007), 53, 54. This support formed the nascent relationship between China in Sudan when, upon hearing of the potential for increased foreign support from African states for the Anya Nya, China 'even went so far as to announce its willingness to assist Sudan against such foreign intervention.' Chinese arms sales to the Sudan date back to 1971. El Obeid, *Political Consequences of the Addis Ababa Agreement*, 115. Ironically, Sudan's increased reliance on socialist states for military support and its commitment to federation with other Arab states led to a February 1970 charge by the Nile Provisional Government, at that moment the dominant southern insurgent political group, that Khartoum was seeking to internationalize a domestic disturbance.

representatives from friendly states relegated to observer status. Northern parties rejected the involvement of OAU or UN observers in what became the Round Table talks, since they believed their presence might internationalize the war. They also demanded the exclusion of Ethiopia and Congo as observers because of those states' support for the Anya Nya.[101] With observers sent from such states as Kenya, Uganda, Ghana, Nigeria, Algeria and Egypt, the northern delegation was under pressure not to declare the Round Table conference a failure, a factor in the delegation of the Twelve-Man Committee appointed to recommend solutions after the conference.[102] However, none of these proposals were implemented when the report was issued in 1966. By that period, the conservative nationalist Maghoub government had taken power and showed little interest in a negotiated solution, and absolutely none in allowing international involvement in the conflict.[103]

The stability brought about by the AAA actually helped create conditions which led to its undoing, as the international focus exacerbated Sudan's patronage politics. Increased Arab investment in post-war Sudan over time renewed the strong gravitational pull in the north towards Arab identity and interests. With both peace and a permanent constitution, Sudan embarked on its next goal of the early 1970s: national development. Two significant fields of achievement under the May Regime in the 1970s were in infrastructure and food production. The decade brought fast economic growth and major improvements in the transportation system, with an emphasis on roads over rails.[104] Increased road usage meant increased oil demand, but that commodity was actually more easily attainable for Sudan after the 1973 Arab-Israeli war. Arab states, concerned that the West might retaliate against the Arab oil embargo with a food embargo, sought to invest in agricultural projects which

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[101] Beshir, *The Southern Sudan: From Conflict to Peace*, 7.
[102] Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 31.
[103] O'Ballance, *Sudan, Civil War and Terrorism, 1956-99*, 41. Oliver Albino, *The Sudan: A Southern Viewpoint.* London: Oxford University Press, 1970, 62-63. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict*, 164. Bell, "The Conciliation of Insurgency," 108. Maghoub even rejected an offer from President Nkrumah of Ghana, an African nationalist icon, to mediate what the Prime Minister considered to be a strictly internal affair. Hamid and Howell "Sudan and the Outside World, 1964-1968," 313. The authors note that, despite rhetoric to the contrary, Maghoub was not good at retaining relations with sub-Saharan Africa, announcing at a Cairo summit in July 1967, in the immediate wake of Israel's victory in the Six Day War, that African states had not been supportive enough of the Arabs. This kind of rhetoric was offensive to African states and did not facilitate Khartoum's usefulness as a bridge between Arab and African worlds.
[104] Charles Gurdon. "The Economy of Sudan and Recent Strains." *Sudan After Nimeiri*, Ed. Woodward, Peter. London: Routledge, 1991, 19.

might make Sudan the 'breadbasket of the Arab world'.[105] Consequently, Sudan became a state with access to an enormous amount of petrodollars beginning in the 1970s.[106]

Sudan's new international ties contributed to the neo-patrimonial decay within the state. In 1977 a government inventory committee had already noted that there was a lack of funds, and a deficiency of leadership, problems it would be necessary to address to keep the Sudanese economy afloat.[107] Nepotism and corruption were also on the rise and the resulting lack of meritocracy created a 'brain drain' – a case in which skilled and educated Sudanese were seeking employment outside Sudan.[108] Bratton and van de Walle describe how neo-patrimonialism's reliance on 'systematic clientelism', the distribution of personal favors such as public sector jobs, can create an incentive for talented yet unconnected professionals to seek employment elsewhere.[109] 'To regulate and control rent-seeking, to prevent rivals from developing their own bases, and to demonstrate power, rulers regularly rotate officeholders.'[110] The May Regime's excessive reliance on this practice – Sudan saw eight finance ministers in eleven years – made it impossible to stabilize economic policy.[111]

It was not simply southern tribalism and northern Islamists that conspired against the AAA, but Sudan's increased reliance on the international economy. Leaning so heavily on agricultural export as the road to prosperity during the 1970s meant Sudan

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[105] Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 112. Sidahmed, *Politics and Islam in Contemporary Sudan*, 142. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 90.
[106] Deng, *War of Visions: Conflict of Identities in the Sudan*, 159.
[107] Najmal Abdin. "Administrative Reform, 1956-1981." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 94. Catherine Jendia. *The Sudanese Civil Conflict: 1969-1985.* New York: Peter Lang, 147. Abd Al-Rahim Al-Rayah Mahmoud. "The Machinery of Economic Management." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 100. Timothy Niblock. "Numayri's Fall: The Economic Base." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 37. Jendia, Mahmoud and Niblock consider incompetent economic central planning and corruption as being the largest internal factors for Sudan's economic decline during this period.
[108] Abdin, "Administrative Reform, 1956-1981," 94. Niblock, "Numayri's Fall: The Economic Base," 37-38. Jendia, *The Sudanese Civil Conflict: 1969-1985*, 144. Martin Daly, "Broken bridge and empty basket: the political and economic background of the Sudanese civil war." *Civil War in The Sudan.* Eds. Daly, M.W. and Ahmad Alawad Sikainga. London: British Academic Press, 1993, 21.
[109] Michael Bratton and Nicolas van de Walle. *Democratic Experiments in Africa.* Cambridge: Cambridge University Press, 1997, 65.
[110] Bratton and van de Walle, *Democratic Experiments in Africa*, 86.
[111] Mahmoud, "The Machinery of Economic Management," 97.

eventually became reliant on the unstable world market.[112] During the 1950s and 1960s farm production had been primarily staple goods for the internal market. Consequently Sudan was able to withstand severe drought from 1972 to 1975 without any severe accompanying starvation.[113] The environmental consequences of incorporating enormous swaths of central and southern Sudan into rain-fed mechanized, often monoculture, cotton cultivation were not fully explored by the time the drive towards such development had begun.[114] These hastily developed, rain dependent schemes were severely vulnerable to drought.

Defense of the sovereignty of Sudan had been a defining principle of Sudanese nationalism, shared across the political spectrum. Nimeiri and Sadiq el-Mahdi were able to reconcile, however temporarily, in 1977 due to a shared concern that a divided Sudan opened itself to potential foreign manipulation.[115] During the 1980s parliamentary era, several OAU-sponsored peace initiatives from neighboring states such as Egypt, Kenya, Uganda and Zaire were put forth, but all foundered.[116] It was only with the erosion of northern nationalism as an organizing principle and the rise of political Islam that Sudan became less wary of foreign interference, particularly in the resolution of its internal conflicts. In addition, it was becoming clear that internationally, states would maintain an advantage over insurgents. The cause of southern Sudanese and other marginalized peoples who turn to violence is hindered by the fact that the international system is established to favor regimes, not insurgencies. Sovereignty is an enormous advantage in the quest for international legitimacy.[117]

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[112] Sidahmed, *Politics and Islam in Contemporary Sudan*, 142.

[113] Mohammed Suliman. "Civil War in Sudan: The Impact of Ecological Degradation." *Environment and Conflicts Project (ENCOP)* Occasional Paper No. 4. Center for Security Studies and Conflict Research, Swiss Federal Institute of Technology. December, 1992, 17. Such a drought could easily have destabilized Sudan and endangered a nascent Addis Ababa Agreement.

[114] Gurdon, "The Economy of Sudan and Recent Strains," 21-22. Shortages were deepened by incompetent land management in agriculture and by landowners, usually urban-based, seeking immediate profit over long-term environmental protection.

[115] Khalid, *Nimeiri and the Revolution of Dis-may*, 171. Gurdon, *Sudan at the Crossroads*, 46. Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 88. Peter Woodward, "Military-Civilian Relations." *Sudan Since Independence.* Eds. Abd Al-Rahim, Muddathir, Raphael Badal, Adlan Hardallo and Peter Woodward. Dorset: Gower Publishing, 1986, 62. Woodward, *Sudan, 1898-1989: the Unstable State*, 153.

[116] Mohammed O. I. Maundi, William Zartman, Gilbert M. Khadiagala and Kwaku Nuamah. *Getting In: Mediators' Entry into the Settlement of African Conflicts.* Washington: United States Institute of Peace, 2006, 136.

[117] Reno, "Sovereign Predators and Non-State Armed Group Protectors?" 9-10. 'The continuous activities of international arbitration and other commercial practice overwhelmingly reinforce the globally recognized

The Islamist-military coalition which ascended to power in 1989, viewed sovereignty as less a principle in its own right than a tool with which to defend the seat of its Islamic revolution and, most importantly, the regime itself. However, while the early post-colonial regimes went through a relatively slow process of acknowledging the limits of sovereignty in internal conflict, the NIF regime did not have the luxury of keeping the international community at bay, especially as regional security and humanitarian issues began to concern an ever-growing circle of states. As a result, the regime often relied on the principle of sovereignty as a last resort in negotiations, not a first one. At the Abuja 2 talks in 1993, for example, Khartoum did not resist mediation; instead it argued that the Nigerians were interfering with Sudanese sovereignty only when pressed for concessions on *Sharia* law and the strict security measures in the south.[118] The regime invoked the same concern in mid-2004 to avoid a premature conclusion of the Naivasha process. At that time, Khartoum argued that it was unable to conclude the agreement with the SPLM/A because it was too preoccupied with the insurgency in Darfur, a more recent conflict which it refused to incorporate into the IGAD mediation efforts.[119]

While the Bashir regime was eventually willing to rely on the UN for CPA implementation, it objected to that body's involvement in the actual negotiations. In fact, a reason for IGAD's primary role in mediation was the complete antipathy the Sudanese government had for any UN role, especially early in the process.[120] That the monitoring of the CPA was left under control of the UN and not the regional body was due to the reluctance of IGAD members to enforce the agreement under their

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sovereign, not its competitors. Bereft of legal protection, underwriters and investment rating services shy away from such deals to avoid liability. Thus southern Sudanese groups pursue legal action against firms doing business in Sudan not as members of a southern organization with a rival claim to governance or as a separate authority. Instead they must present themselves in US District Court under the US Alien Tort Claims Act as citizens of Sudan. Their claims would have no standing in US courts if they approached this issue based upon a claim to be an alternative sovereign over the disputed territory. Thus they approach the court, and by extension the international system, as citizens of the state from which many southern Sudanese wish to secede.'

[118] Ann Mosely Lesch. *The Sudan: Contested National Identities.* Bloomington: Indiana University Press, 1998, 179.

[119] ICG, "Sudan's Dual Crises," 2. Woodward, *US Foreign Policy and the Horn of Africa*, 130.

[120] Donald Petterson. *Inside Sudan: Political Islam, Conflict, and Catastrophe.* Boulder, Colorado: Westview Press, 2003, 163. In the mid-1990s, Sudan even succeeded in aborting a US attempt to produce a UN Security Council statement supporting the IGAD mediation process out of fear it could lead to further UN involvement in negotiations. Waithaka Waihenya. *The Mediator: Gen. Lazaro Sumbeiywo and the Southern Sudan Peace Process.* Nairobi: Kenway Publications, 2006, 91. The UN was only allowed observer status by Sumbeiywo to the post-Machakos mediation process, along with the AU.

own authority.[121] The arrangement also fit the UN's general preference for a detailed peace agreement between warring factions before its intervention into the monitoring process.[122] Nevertheless, it is highly unusual that a sovereign government which has not lost a war would submit to this level of UN involvement internally, indicating the pressure Sudan was under to have the agreement implemented.[123] Elections were to be internationally monitored, and the early implementation of the agreement over the interim period would be evaluated by representatives from IGAD members and other regional or international bodies as agreed by both parties.[124]

The reason this pressure was successful was that, throughout the peace process, the Bashir regime was unable to translate potential oil wealth into broad popularity domestically. A dilemma for the regime, considering how closely it veered to international pariah status in the mid-1990s, has been that its narrow domestic base has forced it to rely on international partners. During the 1990s, Khartoum sought stronger economic relationships with states such as China in part to avoid making the dramatic concessions in power-sharing that Nimeiri was forced to make in the AAA and in the National Reconciliation of 1977. Nevertheless, the regime's inability to reconcile with rivals has tainted the integrity of agreements it has tried to craft domestically, such as the 1997 Khartoum Peace Agreement. The regime's frail base impacted not only the crafting but also the implementation of the CPA. This arrangement in turn has affected the relationship between Khartoum and the international community, in which the government needs international guarantees

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[121] International Crisis Group. "A Strategy for Comprehensive Peace in Sudan." 26 July 2007, 6. Justice Africa, 23 February 2005. Connie Peck. "The Role of Regional Organizations in Preventing and Resolving Conflict." *Turbulent Peace: The Challenges of Managing International Conflict.* Eds. Crocker, Chester A., Fen Osler Hampson and Pamela Aall. Washington DC: United States Institute of Peace Press, 2003, 577. It is in fact rare that regional organizations actually manage peace enforcing, with the AU presence in Darfur being more an exception than a norm. Dalal Mohamed Rajab. "Naivasha Peace Agreement: Analysis and Evaluation Part II." *Respect* 2 (March 2006), 11. The UN officially replaced the monitoring bodies established throughout the peace process in March 2005, with the establishment of the UN Mission in Sudan (UNMIS), authorizing up to 10,000 military personel.

[122] Stephen John Stedman. "Spoiler Problems in Peace Processes." International Security 22:2 (Autumn 1997), 741.

[123] Justice Africa, 23 February 2005. Pierre Englebert. "Whither the Separatist Motive?" *African Guerrillas: Raging Against the Machine.* Eds. Bøas, Morten and Kevin C. Dunn. Boulder, Colorado: Lynne Rienner, 2007, 60. Englebert notes that sovereignty need not only be a goal of nationalists, but that it is even of benefit to non-nationalist regimes in that it 'shields weak governments from outside interference, as they can raise the principle of non-intervention in their domestic affairs against outside attempts to check their excesses'.

[124] *Machakos Protocol*, 2002, sections 1.8.7 and 2.4.1.

more than a parliamentary government with a large base might.[125] By the period of the Naivasha process, international donor support had become another incentive for both parties to resolve the conflict.[126] The promise of foreign support led the government to establish a multi-donor trust fund, and the SPLM to establish its own corresponding body.[127]

FOREIGN SUPPORT AND THE EVOLUTION OF INSURGENCY IN THE SECOND WAR

The SPLM/A's goal of national revolution allowed it to make more ideologically committed alliances in its foreign support than the Anya Nya. Its early backing by Ethiopia's Marxist regime reflected in part its leftist pretensions. With the overthrow of the Haile Selassie monarchy in 1974 by the Marxist Mengistu, the Eritrean question would darken Khartoum-Addis Ababa relations again, as Sudan once more felt pressure from the Arab world to support the Eritreans during their hostilities with Addis Ababa in the late 1970s.[128] As a result, Ethiopia became more inclined to support Anya Nya 2 forces in south Sudan, and to support the SPLA from 1983 onwards.[129] Early in the second war, the Mengistu regime in Ethiopia allowed the SPLM/A to transmit a radio station from Ethiopian territory into Sudan. This was

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[125] Alex De Waal, "Sudan: international dimensions to the state and its crisis." *Crisis States Research Center,* Occasional Paper no. 3 (April 2007), 21. Jon Bennett. "Joint Assessment Mission provides road-map for peace." Sudan: Prospects for Peace. Eds. Marion Couldrey and Tim Morris. *Forced Migration Review* 24 (November 2005), 10. Funding from international sources in particular was essential to establishing the CPA in Sudan through the Joint Assessment Mission. International donors were to provide one third of the funding for JAM implementation efforts. Gunnar M. Sørbø. "The role of the international community." Sudan: Prospects for Peace. Eds. Marion Couldrey and Tim Morris. *Forced Migration Review* 24 (November 2005), 13. In April 2005, donors pledged US$4.5 billion to reconstruction efforts. Interview by the author with Mohammed Ibrahim, Canberra, 2009. Ibrahim says that IGAD and its international backers are the ultimate guarantors of the CPA, even more so than either of the two parties who negotiated it.

[126] Telephone interview by the author with Patricia Lane, Sydney, 2009. Lane referred to the aid dollars, and the Joint Assessment Mission, the post-conflict reconstruction body established by the agreement which determined how donor funds were to be spent, as the international community's 'carrot' in the peace process. Lazaro Sumbeiywo. "The Mediator's Perspective." *Peace by Piece: Addressing Sudan's Conflicts.* Accord 18 (2006). London: Conciliation Resources, 2006, 26. The International Monetary Fund and the United Nations Development Programme, who were originally brought in to negotiations as resource persons, were then appointed to run the mission once it became clear a peace agreement was inevitable.

[127] Lane, interview. Wealth Sharing Agreement, 2004, section 15.5. After some argument, it was agreed that there should be two multi-donor trust funds, one for the national government and a separate one for the Government of South Sudan.

[128] Howell, "Horn of Africa," 432.

[129] Voll and Voll, *The Sudan: Unity and Diversity in a Multicultural State*, 140. Alier, *The Southern Sudan: Too Many Agreements Dishonoured*, 273. Johnson and Prunier, "The Foundation and Expansion of the Sudan People's Liberation Army," 125-126. Lobban, interview. Yongo-Bure, interview. Madut-Arop, *Sudan's Painful Road to Peace,* 61-62. Ethiopia was eager to begin funding the SPLA over its Anya Nya 2 rivals who, though useful in causing trouble for Khartoum, were viewed as 'petty bourgeoisie – a product of Western imperialism' by the Marxist Mengistu regime.

access to technology the Anya Nya had never known during the first war and a crucial method by which to counter Khartoum's propaganda that the SPLM/A was a similarly separatist movement.[130] However, while the SPLM/A attracted some left-leaning insurgents, the movement's early identification with socialism was more a tactical consideration to obtain Ethiopian backing than an ideology the movement planned to export to Sudan.[131]

On a practical level, a pledge to national unity ensured Garang received early support from Ethiopia and, at least until 1985, Libya.[132] Securing Ethiopia's support allowed the SPLA a safe haven from which to centralize its power and train recruits in much more favorable conditions than those the original Anya Nya had faced. The previous insurgency had used Ethiopian territory to attack inside Sudan, but had not been allowed access to the Ethiopian security apparatus, as Garang's movement was.[133] In its formative period, when animosity between the Nimeiri regime and Sudan's neighbors was at its height, SPLA recruits were trained by the Ethiopian army and supported by Cuba and Libya.[134]

Support from Uganda after 1986 for the SPLA was primarily a result of the personal and ideological camaraderie between Garang and new Ugandan president Yoweri Museveni, who had been long-time compatriots.[135] However, it was a continuation of the tit-for-tat approach to state funding for insurgency in the region. With Khartoum providing exile status to the government he had toppled, Museveni aided the SPLA by occupying parts of Equatoria with 14,000 Ugandan troops throughout the late

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[130] Madut-Arop, *Sudan's Painful Road to Peace,* 92.
[131] Madut-Arop, *Sudan's Painful Road to Peace,* 190.
[132] ICG, *God, Oil and Country,* 109. Sidahmed, *Politics and Islam in Contemporary Sudan*, 160. "The Sudan-IGAD Peace Process: Signposts for the Way Forward." *African Security Analysis Programme.* Occasional Paper 86, March 2004, 2. Maundi, Zartman, Khadiagala and Nuamah, *Getting In: Mediators' Entry into the Settlement of African Conflicts*, 134. Heraclides, "Janus or Sisyphus? The Southern Problem of the Sudan," 228. Madut-Arop, *Sudan's Painful Road to Peace,* 90.
[133] Reno, "Economies of war and their transformation," 22.
[134] Gurdon, *Sudan at the Crossroads*, 88. Woodward, *Sudan, 1898-1989: the Unstable State*, 162. Douglas H. Johnson. "The Sudan People's Liberation Army and the Problem of Factionalism." *African Guerrillas.* Ed. Christopher Clapham. Oxford: James Currey Ltd, 1998, 58. Khalid, *The Government They Deserve*, 404. Lobban, interview. Yongo-Bure, interview. Lagu, *Sudan: Odyssey Through a State (From Ruin To Hope)*, 420. Madut-Arop, *Sudan's Painful Road to Peace,* 196. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 70.
[135] Lesch, *The Sudan: Contested National Identities*, 90. John Prendergast and David Mozersky. "Love Thy Neighbor: Regional Intervention in Sudan's Civil War" *Harvard International Review.* 26:1 (April 2004), 73.

1980s.[136] The support of both states was crucial, since insurgencies in the Horn of Africa traditionally have not gained traction unless provided with a base in neighboring states.[137] Ideologically, Museveni was also critical of the post-colonial concept, embraced by the OAU, that allowed advantages for centrally located, internationally recognized governments over insurgent movements, no matter how tyrannical the former. Fellow insurgent-turned-president Afewerki of Eritrea shared the same criticisms.[138]

Post-Nimeiri governments urged the SPLA to end its campaign, but were reluctant to make the necessary concessions to the insurgents. The SPLM/A felt the Transitional Military Council had nothing to offer them except a reinstatement of the AAA, and remained unimpressed with Al-Mahdi's increasingly conservative government positions and policies.[139] There was much resentment after the overthrow of Nimeiri among northerners that the SPLM/A were impossible to satisfy and might really be a separatist movement in disguise.[140] After the SPLA capture of the town of Kurmuk and Gayson in Southern Blue Nile province in late 1987 and the government's subsequent accusation of SPLA patron Ethiopia of attacking the Arab world, states such as Libya and Iraq began sending assistance to the Bashir regime.[141] Politicians who had reached accommodation with the SPLM/A, such as the trade union-oriented National Alliance for National Salvation and various southern parties, were viewed with disdain throughout the north.[142]

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[136] Alex De Waal. *Islam and Its Enemies in the Horn of Africa.* London: Hurst & Company, 2004, 185-186.
[137] "The Sudan-IGAD Peace Process: Signposts for the Way Forward," 12.
[138] Christopher Clapham. "Introduction: Analysing African Insurgencies." *African Guerrillas.* Ed. Christopher Clapham. Oxford: James Currey Ltd, 1998, 4.
[139] Sidahmed, *Politics and Islam in Contemporary Sudan*, 160. Khalid, *The Government They Deserve*, 353. Woodward, *Sudan, 1898-1989: the Unstable State*, 210.
[140] Sidahmed, *Politics and Islam in Contemporary Sudan*, 163.
[141] Yehudit Ronen. "Ethiopia's Involvement in the Sudanese Civil War: Was It As Significant as Khartoum Claimed?" *North African Studies* 9:1 (2002), 111. Kamal Osman Salih. "The Sudan, 1985-9: The Fading Democracy." *Sudan After Nimeiri*, Ed. Woodward, Peter. London: Routledge, 1991, 67. Woodward, *Sudan, 1898-1989: the Unstable State*, 212. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 43, 44, 71. Yongo-Bure, interview. Khalid, *The Government They Deserve*, 392. Peter Nyot Kok. *Governance and Conflict in the Sudan 1985-1995: Analysis, Evaluation and Documentation.* Berlin: Deutsches Orient Institut, 1996, 63. Madut-Arop, *Sudan's Painful Road to Peace,* 172-173.
[142] Woodward, *Sudan, 1898-1989: the Unstable State*, 211-212. Madut-Arop, *Sudan's Painful Road to Peace,* 155. Kok, *Governance and Conflict in the Sudan 1985-1995*, 64, 65. Kok notes in particular that the NIF and the army were happy to charge the trade unions as constituting a 'fifth column' within the north. Arrests were made of suspected SPLA affiliates in the north.

As the SPLA became more successful by the end of the 1980s, some allies worried that its legitimacy nationwide might be diminished by such heavy foreign support. After consolidating power in Kampala, Museveni withdrew Ugandan armed forces by 1990 and replaced them with military advisors. This was apparently done out of a concern that heavy Ugandan involvement in Sudan's civil war could compromise the legitimacy of an SPLA victory in the south.[143] Museveni's concern over diminishing amount of self-reliance in the SPLA was shared by some of the insurgency's top commanders. As the Mengistu regime became increasingly unstable, some of Garang's lieutenants such as Kerubino Kuanyin argued that the strong SPLA dependency on Addis Ababa was an ideological and practical error. The collapse of that regime in 1991 helped lead to the violent split in the SPLA, in which Kerubino would join the breakaway SPLA-United faction.[144]

The assumption of power by the National Islamic Front-aligned regime of Omar Hassan Al-Bashir in 1989 saw a dramatic internationalization of the war, and therefore of the mediation efforts. It was as a result of this sustained international pressure that the Bashir regime was forced into consenting to peace. Establishing good foreign contacts early was crucial for the NIF regime, which had been brought to power through a hastily organized *coup* and would need to cement its authority, partly by gaining the recognition of other states that it was the legitimate government of Sudan. Sudan's poor standing among key states at the time made this possible: both Egypt and the US had become disillusioned with Al-Mahdi's government, and

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[143] De Waal, *Islam and Its Enemies in the Horn of Africa*, 186. Korwa G. Adar. "Theocracy and State Reconstruction in the Civil War-Ravaged Sudan: In Pursuit of an Illusive National Consensus." Senate Hall, University of Pretoria. 25-26 July 2001, 61-62. Petterson, *Inside Sudan: Political Islam, Conflict, and Catastrophe*, 213. Despite his concerns about the movement's reliance on outside support, Museveni continued to aid the SPLA, becoming its lifeline in times of trouble. In 1994 he helped the Norwegian People's Aid channel military assistance to the SPLA, some of it provided by the United States, which also gave that NGO a direct donation of US$11 million.

[144] Ronen, "Ethiopia's Involvement in the Sudanese Civil War," 112. De Waal, *Islam and Its Enemies in the Horn of Africa*, 189. Woodward, interview. Prendergast and Mozersky, "Love Thy Neighbor." The authors speculate that had Uganda not been led at the time by Yoweri Museveni, a Garang ally willing to provide support to the SPLA, these years might have spelled defeat for the movement. Yongo-Bure, interview. Yongo-Bure says that the conspirators in the 1991 SPLA split actually overestimated Garang's reliance on Mengistu, and assumed that the SPLA leader would be easier to remove now that the Ethiopian Marxist was toppled. Pierre Englebert. "Whither the Separatist Motive?" *African Guerrillas: Raging Against the Machine.* Eds. Bøas, Morten and Kevin C. Dunn. Boulder, Colorado: Lynne Rienner, 2007, 64-66. Englebert notes that the two main waves of separatist movements in Africa occurred in the 1960s and 1990s, after the biggest period of decolonization and the breakup of the Soviet Union, respectively. The Anya Nya and SPLA-United operated during this period.

made few protests against its overthrow.[145] Turabi's notoriety as an Islamist meant his role in the 1989 *coup* had to be concealed in order for the new regime to be recognized by Egypt, Libya and Saudi Arabia, Sudan's important Arab neighbors.[146] As a result, the NIF was banned along with all other political parties, and Turabi jailed.[147] By March 1990, Bashir was having success convincing Egypt that he would distance himself from the more radical strain of Islamism and make peace with the still formidable SPLA.[148] So encouraged was Hosni Mubarak on hearing that Bashir vowed to end the war and negotiate with SPLM/A leader John Garang directly, that the Egyptian President met with Garang at an OAU summit that year and urged him to accept Bashir's offer.[149] Maintaining good relations with Sudan's Arab neighbors was crucial to the new regime's stability. As it relied on Egypt's recognition for legitimacy among many northern Sudanese, it turned to Libya for aid. Soon after the *coup*, Bashir travelled to Tripoli where he promised his commitment to Arab unity.[150] In return, Qaddafi supplied both the legitimacy of an Arab state recognizing Sudan's new leadership and subsidized oil shipments, both crucial to a new regime with a narrow base trying to hold on to power. It would be months before Qaddafi realized

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[145] Interview by the author with Ahmed Al-Shahi, Oxford, 2007. Petterson, *Inside Sudan: Political Islam, Conflict, and Catastrophe*, 13. Khalid Al-Mubarak. *Turabi's "Islamist" Venture: Failure and Implications.* Cairo: El Dar El Thaqafia, 2001, 17. Woodward, *US Foreign Policy and the Horn of Africa*, 42. Woodward notes that Egypt generally had poor relations with Sudan's parliamentary regimes, at least until the 1990s preferring the stability of military dictatorships in Khartoum.

[146] Al-Shahi, interview. Al-Mubarak, *Turabi's "Islamist" Venture*, 17. Kok, *Governance and Conflict in the Sudan 1985-1995*, 101. Petterson, *Inside Sudan: Political Islam, Conflict, and Catastrophe*, 67. De Waal, *Islam and Its Enemies in the Horn of Africa*, 183. Madut-Arop, *Sudan's Painful Road to Peace,* 224. Kok, *Governance and Conflict in the Sudan 1985-1995*, 100. The mid-ranking *coup* plotters were also successful in convincing their comrades to join the revolt by deceiving them to believe that the order to topple the regime came from the army brass.

[147] De Waal, *Islam and Its Enemies in the Horn of Africa*, 184. The new junta exaggerated its distance from the NIF, even putting Hassan Al-Turabi in jail. The NIF was also banned, along with all other parties. De Waal lists three reasons the NIF role had to be hidden. 1) The NIF had a smaller base of support than the two parties in the government it had overthrown. 2) It would have looked opportunistic for destroying a democratic system it had itself shared power in at one point. 3) Early recognition was needed from Egypt and Saudi Arabia, to establish legitimacy. Neither of those states, each with their own radical Islamist threat, could be counted on to support such a regime.

[148] J. Millard Burr and Robert O. Collins. *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000.* Leiden; Boston: Brill, 2003, 45. Al-Shahi, interview. Kok, *Governance and Conflict in the Sudan 1985-1995*, 172-174. The government delegation was so ill-prepared for the first talks with the SPLA in August 1989, the author and SPLA delegate Mansour Khalid suspect the talks served only to provide the appearance that the new regime was seeking peace with the south. This would have been necessary for the junta to appease Egypt and Ethiopia, which supported the talks.

[149] De Waal, *Islam and Its Enemies in the Horn of Africa*, 184. Al-Mubarak, *Turabi's "Islamist" Venture*, 108. Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 36-37. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 57, 72. Cairo also approached leaders of the G-7 economic conference in Paris, and specifically asked Washington to waiver its policy of not supplying economic aid to regimes which overthrow democratic governments.

[150] Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 4, 8. Bashir also appeared on Sudanese television to announce that the country was forming a union with Egypt and Libya.

how closely connected Turabi was with the regime, or that its guiding ideology was not so much pan-Arab as it was pan-Islamist.[151]

Continued SPLA victories, especially those in areas of Sudan outside the south, allowed the new regime to appeal to a nationalist cause which masked the tension between its revolutionary and conservative wings. Schisms in the military-Islamist coalition which formed the regime could be seen during early crises such as the 1990-91 Gulf War. Bashir had been leaning towards supporting the Saudis and Egyptians, even sending troops to defend Saudi Arabia, and had voiced support for the Arab League's resolution on 10 August 1990 condemning Iraq's invasion. Al-Turabi, representing the more ideological wing of the regime, openly declared his support for Saddam Hussein.[152] His considerable influence in the government resulted in the Sudanese delegate to the Arab League abstaining from the 10 August vote, a move that appalled Saudi Arabia and Egypt. Iraq's defeat ended its capability to supply Sudan with arms, and Sudan's position on the Gulf War ended significant aid from other Arab states.[153] The SPLA, on the other hand, had been receiving supplies from other African states and was well positioned militarily by early 1991.[154]

By the mid-1990s, Khartoum would strain relations with almost all its neighbors, even those such as Libya, Eritrea and Ethiopia which had earlier been amicable to the regime. The Ethiopians and Egyptians were angered by the assassination attempt against President Mubarak in Addis Ababa in 1995, a trail of evidence which led to some within the Sudanese government.[155] Eritrea ended relations with Sudan in 1995

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[151] Al-Shahi, interview. Petterson, *Inside Sudan: Political Islam, Conflict, and Catastrophe*, 51. Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 34. Libya would provide 60% of Sudan's oil needs until the summer of 1990, when Qaddafi suspected Islamists in Sudan were harboring Libyan dissidents who opposed his regime.

[152] Maundi, Zartman, Khadiagala and Nuamah, *Getting In: Mediators' Entry into the Settlement of African Conflicts*, 148. Interview by the author with Cherry Leonardi, Durham, 2007. Kok, *Governance and Conflict in the Sudan 1985-1995*, 102. De Waal, *Islam and Its Enemies in the Horn of Africa*, 190. De Waal believes this was because Turabi thought Iraq would win and throw the Arab world into revolution against the West, but it may also have been a statement of loyalty to Saddam Hussein after the substantial aid given by Iraq against the SPLA.

[153] De Waal, *Islam and Its Enemies in the Horn of Africa*, 189. Ronen, "Ethiopia's Involvement in the Sudanese Civil War," 113. Woodward, *US Foreign Policy and the Horn of Africa*, 50. Kok, *Governance and Conflict in the Sudan 1985-1995*, 159. Yongo-Bure, interview.

[154] Scott Peterson. *Me Against My Brother: At War in Somalia, Sudan and Rwanda.* London: Routledge, 2000, 217. ICG, *God, Oil and Country,* 134. Yongo-Bure, interview.

[155] Ronen, "Ethiopia's Involvement in the Sudanese Civil War," 116-117. Johnson, interview. Emeric Rogier. *No More Hills Ahead? The Sudan's Torturous Ascent to Heights of Peace.* Netherlands Institute of International Relations, Clingendael. August, 2005, 30. Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the*

for supporting an Islamist jihad against its government and for trying to create divisions between Christian and Muslim Eritrean nationalists.[156] Uganda was furious that Khartoum supported insurgencies within its borders and also severed relations with Sudan in 1995.[157] Sudan was also insensitive to pressure from its neighbors concerning the sharing of the Nile waters and its recalcitrance upset Ethiopia and Uganda in their attempts to begin major dam building projects on the Blue Nile and Atbara rivers. Kampala and Addis Ababa argued for a revision of the Nile Waters Agreement of 1959 to include the needs of other riparian states aside from Egypt and Sudan.[158] Relations with Libya also deteriorated, as Tripoli held Khartoum responsible for attempts to destabilize Qaddafi's regime from 1993 to 1995.[159]

At the same time the NIF regime was earning a reputation as a radical, destabilizing element in the region, the SPLM/A was establishing itself internationally as a cause worth championing. The southern movement had learned lessons from Anya Nya and the southern parties in the 1960s which had failed to establish themselves regionally. Years before IGAD turned to conflict resolution, southern Sudanese political parties were already attempting to include Sudan's neighbors in the conflict, if only to gain international legitimacy. In late 1987, several smaller southern groups

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Islamist State, 1989-2000, 189-190. The plotters of the assassination attempt had met in Khartoum in late 1994. The Ethiopian government charged the NIF regime with providing them both Sudanese and Yemeni passports. Their weapons had been delivered to Addis Ababa via Sudanese Airways. Turabi had met with Al Qaeda leader Ayman Al-Zawahiri in Geneva not long before the attack, and Cairo immediately denounced him as masterminding the plot.

[156] Adar 1998. Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 3. Petterson, *Inside Sudan: Political Islam, Conflict, and Catastrophe*, 186. Ronen, "Ethiopia's Involvement in the Sudanese Civil War," 117. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 73.

[157] Benaiah Yongo-Bure. *The Economic Development of Southern Sudan.* Lanham, Maryland: University Press of America, 2007, 197. Ronen, "Ethiopia's Involvement in the Sudanese Civil War," 117. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 73. Korwa G. Adar. "A State Under Siege: The Internationalisation of the Sudanese Civil War." *African Security Review* 7.1 (1998), 62. The Lord's Resistance Army and the West Nile Bank Front, were the two insurgencies which Kampala charged Khartoum with supporting. Lesch, *The Sudan: Contested National Identities*, 185. Lesch notes Khartoum's use of a March 1995 cease fire initiative by Jimmy Carter to both bypass IGAD monitoring and prepare for a major offensive against the SPLA. Sudan's subsequent breaking of the cease fire included bombing inside Ugandan territory, which led to Kampala breaking off relations in April 1995. Ted Dagne. "Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and US Policy." *Foreign Affairs, Defense and Trade Division of the Congressional Resource Service*, Issue Brief for Congress. 2 August 2002, 6. Sudan and Uganda restored diplomatic relations in April 2002, just before the Machakos Protocol negotiations began.

[158] Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 3. Woodward, interview. Nicholas Coghlan. *Far in the Waste Sudan: On Assignment in Africa.* Montreal: McGill-Queens University, 2005, 205. How the south might use Nile waters was not Egypt's only concern: a southern independent state would control no more than 13% of the total Nile waters. However, an independent state might be better able to coordinate Nile water resource with Ethiopia, which controls most of the other 87%, in a way detrimental to Egypt's interests.

[159] Woodward, *US Foreign Policy and the Horn of Africa*, 51.

joined up to become the United Sudan African Parties, opening communications with the SPLM/A in the friendly states of Ethiopia, Kenya and Uganda, a move supported by those governments.[160] Such early attempts to involve regional neighbors would see fruition in the following decade.

In the 1980s, events such as the Koka Dam Declaration and the Sudan Peace Initiative had been more exclusively Sudanese initiatives than even the AAA. However, as the conflict wore on, other states in Africa would become involved in mediation efforts, Nigeria most notably. The Abuja conferences of 1992 and 1993 were the first serious international efforts to end hostilities in the second war. After the initial SPLA split, Nigerian president Ibrahim Babangida, sympathetic to the SPLM goals of racial and religious tolerance and self-determination, feared the movement's defeat by a resurgent Khartoum. He and Bashir agreed to convene a new round of talks in the Nigerian capital of Abuja in May 1992.[161] The talks achieved little, since the Sudanese government felt it was in too strong a position to make concessions.[162] Babangida convened a second round of talks a year later, but by that point the SPLA was even weaker. Khartoum proposed that the SPLM/A accept its federal model with some exceptions, such as exemption from certain elements of *Sharia*. The SPLM/A rejected this, called for a confederation and secular democracy, under the title 'New Sudan'.[163] Again, the conference ended in a stalemate. However, by 1994 the Abuja talks and the subsequent IGAD process had raised the SPLM/A profile in the region just as Khartoum's Islamic radicalism was turning it into a pariah throughout East Africa.[164]

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[160] Woodward, *Sudan, 1898-1989: the Unstable State*, 212. Johnson, *The Root Causes of Sudan's Civil Wars*, 84. Sidahmed, *Politics and Islam in Contemporary Sudan*, 150. Kok, *Governance and Conflict in the Sudan 1985-1995*, 63.

[161] "The Sudan-IGAD Peace Process: Signposts for the Way Forward," 3. Amnesty International, "Sudan: North-South Peace Deal Leaves Future of Human Rights Uncertain". John Young. "Sudan IGAD Peace Process: An Evaluation." *Institute of Governance Studies*, Simon Fraser University, Vancouver. 30 May 2007, 8. Kok, *Governance and Conflict in the Sudan 1985-1995*, 177. Ronen, "Ethiopia's Involvement in the Sudanese Civil War," 115. Madut-Arop, *Sudan's Painful Road to Peace,* 359. At a meeting of African Heads of State in Namibia in 1991, Bashir, to counter American attempts to mediate the crisis, called on Nigerian president Ibrahim Babangida to help mediate. Babangida accepted, and asked the Americans to allow Africans the opportunity to resolve their own internal affairs.

[162] ICG, *God, Oil and Country,* 17.

[163] "The Sudan-IGAD Peace Process: Signposts for the Way Forward," 4.

[164] Johnson, *The Root Causes of Sudan's Civil Wars*, 100.

As the radical nature of the NIF regime became more apparent, several states began to establish communications with the SPLM/A. The Ethiopian regime which had toppled Mengistu in 1991 had been hostile to the SPLM/A, a Mengistu ally. However, as Garang's movement grew weaker throughout the early 1990s, Addis Ababa decided its collapse would not be in Ethiopia's interests after all. Ties were re-established in 1993 and Ethiopia sent military advisors to assist the SPLA.[165] After the 1995 assassination attempt, Ethiopia and Uganda stepped up political and military support for the SPLM/A.[166] The NIF regime's aggressive Islamic identity also led to a growing sense of affiliation for non-Arab African states with the SPLM/A.[167] By the mid-1990s, the SPLA was receiving support throughout sub-Saharan Africa, from states as distant as Namibia, Zambia, and Zimbabwe.[168]

THE IGAD COALITION AND SOUTHERN SELF-DETERMINATION

As mediation became internationalized in the second war, the topic of southern self-determination became more widely discussed. Notably, it was Sudan's neighbors, using the offices of IGAD, who played a large role in the advancement of the principle of self-determination. In a state in which instability has no serious affect on other states, there is less likely to be any immediate intervention from other states, or 'track one' diplomacy.[169] This is a sound analysis of the first war, which posed little threat of serious destabilization to the region. On the other hand, the threat to stability and security the second war posed to the region was the impetus for IGAD's

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[165] De Waal, *Islam and Its Enemies in the Horn of Africa*, 203.

[166] Johnson, *The Root Causes of Sudan's Civil Wars*, 102. Rogier, *No More Hills Ahead?* 30. Abdelwahab El-Affendi. "The Impasse in the IGAD Peace Process for Sudan: The Limits of Regional Peacemaking?" *African Affairs* 100 (2001), 586.

[167] Yongo-Bure, interview. 'The problem of expanding Islam in Africa frightened those countries and the SPLA was able to capitalize off that'.

[168] Yongo-Bure, interview. Yongo-Bure credits Garang's roving ambassador to sub-Saharan Africa, Benjamin Mariel, with popularizing the SPLA cause among these regimes. Significantly, other southern militias, such as the SSDF, received little support from foreign backers, especially as the prospect of a peace agreement between Khartoum and the SPLA became a more likely event. Petterson, *Inside Sudan: Political Islam, Conflict, and Catastrophe*, 172. Adar 1998. The Central African Republic also began standing up to Khartoum, refusing to let a battalion of the Sudanese Army attack the SPLA from its territory in 1996.

[169] Ted Robert Gurr. "Minorities and Nationalists: Managing Ethnopolitical Conflict." *Turbulent Peace: The Challenges of Managing International Conflict.* Eds. Crocker, Chester A., Fen Osler Hampson and Pamela Aall. Washington DC: United States Institute of Peace Press, 2003, 184. Stedman, "Spoiler Problems in Peace Processes," 746. Stedman notes, for example, that no regional or international actors had enough of an interest in the stability and security of Somalia in the early 1990s to meaningfully intervene in that state. El-Affendi, "The Impasse in the IGAD Peace Process for Sudan," 583. The organization was formed as the Inter-Government Authority on Drought and Development (IGADD), but a de-emphasis on drought led it to shorten its name in 1996.

involvement in resolving that conflict.[170] As the circle of international participation gradually expanded while Khartoum slipped out of favor with many involved states, support for self-determination in the south grew.

IGAD's interest in conflict mediation was borne of its inability to pursue its main objective: environmental development so long as the Horn of Africa remained a politically unstable environment.[171] The initiation of IGAD as a mediation forum began with the end of Nigerian participation in 1993, as the fall of the Babangida government in Nigeria made an Abuja 3 round of talks unworkable.[172] Instead, Nigeria passed the torch of mediation to East Africa, arguing that Sudan's neighbors such as Uganda and Kenya should be included in the 'circle of mediators', since those states had an interest in the regional instability the conflict was causing.[173] Khartoum was amenable to allowing IGAD's take over of mediation efforts from Nigeria after September 1993, reasoning that its neighbors might pose a somewhat more 'sympathetic forum': Eritrea and Ethiopia were still on cordial terms at the time with the NIF regime and Kenya remained neutral throughout the war.[174] Ethiopia's presence was especially reassuring to Khartoum, since even though it never had a high profile in the mediation, Addis Ababa seemed to support a united Sudan and was therefore an important counterweight to both Eritrea and Uganda, who were less reliable on that point.[175] Most significantly, IGAD was the only forum containing

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[170] "The Sudan-IGAD Peace Process: Signposts for the Way Forward," 16.
[171] Woodward, *US Foreign Policy and the Horn of Africa*, 118.
[172] El-Affendi, "The Impasse in the IGAD Peace Process for Sudan," 585. Lesch, *The Sudan: Contested National Identities*, 186. Francis Mading Deng and Mohammed Khalil. *Sudan's Civil War The Peace Process Before and Since Machakos.* Pretoria: African Institute of South Africa, 2005, 4. Kok, *Governance and Conflict in the Sudan 1985-1995*, 197. Talks had been scheduled to resume in June 1994.
[173] Lesch, *The Sudan: Contested National Identities*, 179.
[174] Woodward, interview. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 76. Ronen, "Ethiopia's Involvement in the Sudanese Civil War," 115-116. Madut-Arop, *Sudan's Painful Road to Peace,* 375. De Waal, *Islam and Its Enemies in the Horn of Africa*, 203. El-Affendi, "The Impasse in the IGAD Peace Process for Sudan," 585. Young, "Sudan IGAD Peace Process: An Evaluation," 9. Kenya was only a peripheral corridor for the weapons traffic to south Sudan, and Nairobi had established little contact with SPLA leaders. Madut-Arop, *Sudan's Painful Road to Peace,* 375. Bashir contacted Moi during an IGADD meeting in Djibouti in 1993 and requested that he personally mediate now that Babangida was no longer involved.
[175] De Waal, "Sudan: international dimensions to the state and its crisis," 19. Maundi, Zartman, Khadiagala and Nuamah, *Getting In: Mediators' Entry into the Settlement of African Conflicts*, 146, 148-149. During the preparations for Abuja 2 in 1993, Nigerian mediators had wanted to include Sudan's regional neighbors, but Khartoum objected to both Kenya and Uganda at that time, alleging they were both SPLA supporters.

states which had enough influence in the south to convince the SPLM/A to accept any terms of peace – or to coerce the insurgents, if necessary.[176]

However, Khartoum's faith in the new mediation forum was to be shaken. At Abuja, Nigeria opposed the SPLM demand for a referendum on self-determination, arguing that the constitutional conference the SPLM demanded was sufficient to voice demands for southern autonomy.[177] Conversely, IGAD's Declaration of Principles was built on the SPLM/A platform presented during the Abuja 2 talks of 1993, which called for a qualified right to self-determination. This principle had been rejected by both Khartoum and the Nigerian mediators, who considered a unified state a necessity. IGAD, on the other hand, considered unity to be conditional on the basis of a secular state.[178] IGAD may have been an optimal organization to help resolve the second war because it was uniquely attuned to the realities of the Sudanese problem, and had a much more immediate interest in the security challenges the war posed to Sudan's neighbors. The organization was not initially set up for conflict resolution, but to deal with water problems in the Horn of Africa.[179] The shift of mission occurred primarily because, by the early 1990s, Sudan's war was seen as a destabilizing influence in the region.[180] As Sudan's second war dragged on throughout the decade, IGAD became the regional organization through which almost all mediation would continue.

One of the difficulties the IGAD coalition faced was that, as it gained credibility as the forum through which the war was to be mediated, it had to come to terms with the

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[176] Young, "Sudan IGAD Peace Process: An Evaluation," 9. Young writes that, in part because most IGAD members were on good terms with the West in the 1990s, Khartoum also hoped regional involvement could deflect the ire of an increasingly hostile US.

[177] Lesch, *The Sudan: Contested National Identities*, 174, 178.

[178] Rogier, *No More Hills Ahead?* 40. Johnson, interview. Johnson notes that since the governments of both Eritrea and Ethiopia by 1995 had started out as secular leftist insurgencies, it was no surprise that they would adhere closer to the SPLA position than Khartoum's. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 77. The government's rejection of the Declaration of Principles was in keeping with the Islamist fervor still prevalent in the regime. Khartoum's foreign minister, Ghazi Salahuddin Attabani, stated at that time that the government could not allow an autonomous settlement for the south, as its mission was to spread Islam throughout that region and the whole of Africa.

[179] Connie Peck. "The Role of Regional Organizations in Preventing and Resolving Conflict." *Turbulent Peace: The Challenges of Managing International Conflict.* Eds. Crocker, Chester A., Fen Osler Hampson and Pamela Aall. Washington DC: United States Institute of Peace Press, 2003, 563. In this sense, IGAD is typical of organizations that had been formed to deal with economic and developmental issues but later branched out to handle security issues, highlighting again the development/security connection in modern Africa.

[180] "The Sudan-IGAD Peace Process: Signposts for the Way Forward," 16. Maundi, Zartman, Khadiagala and Nuamah, *Getting In: Mediators' Entry into the Settlement of African Conflicts*, 149.

fragile nature of its composition. Throughout the 1990s, the IGAD process was defined by a series of fits and starts, as the various member states balanced their security interest of ending the Sudanese war against other national interests. The strained relationships between Sudan and various IGAD states in the mid-1990s contributed to the stalling of peace talks. After Asmara broke off diplomatic relations with Khartoum in late 1994, Sudanese officials declared they would not participate in the forum while Eritrea was still an IGAD member.[181] Poor relations with other IGAD member states during this period were common and at times compromised IGAD's image of being a neutral body.

Walter concludes from her research on civil wars throughout the twentieth century that in civil war mediation:

'Strict neutrality by the third party also does not appear necessary. The outside guarantor in most cases was not a wholly unbiased participant, yet this did not seem to reduce their effectiveness. In fact... when an enormous power disparity exists between the adversaries, a somewhat biased third party in favour of the minority group can actually enhance feelings of security.'[182]

Following this logic, the hostile actions of IGAD's individual members towards Sudan during the 1990s paradoxically seem to have contributed to the organization's later effectiveness as a forum of mediation. Khartoum's poor relations with its neighbors allowed IGAD the license and will to use sticks, in addition to carrots, a freedom no other forum would be favored with. Ethiopia in particular was able to put sustained pressure on Khartoum, extracting concessions that would later form the basis of the Naivasha process. During the period from 1995 to 1998, Sudan began to improve its international image, expelling Islamist terrorist Osama Bin Laden, and finally submitting to sign both the Khartoum Peace Agreement and the Declaration of Principles, two documents which consented to the right of southern self-

[181] Donald Petterson. *Inside Sudan: Political Islam, Conflict, and Catastrophe.* Boulder, Colorado: Westview Press, 2003, 185. Woodward, *US Foreign Policy and the Horn of Africa*, 49.

[182] Barbara F. Walter. "The Critical Barrier to Civil War Settlement." *International Organization* 51:3 (1997), 361-362. Walter cites as an example the 1979 Lancaster House Agreement which ended the conflict between white Rhodesians and black Zimbabweans, negotiated by the United Kingdom, the former colonial power. 'The fact that Britain was viewed as prejudiced in favor of the white Rhodesians seems to have increased white confidence in their own survival.'

determination.[183] Without Ethiopia's consistent pressure during this period, particularly its support of the SPLA, such concessions which formed the basis for the Naivasha process might not have been possible. Getting both parties to adhere to the Declaration of Principles was the only significant achievement of the IGAD process by the time Khartoum finally ratified the document in 1997, but it was nevertheless a significant step forward.[184]

It is likely that the success of regional states in making such progress through coercion where larger states such as the United States were unable to – despite the Clinton Administration's best efforts – led the US to increasingly rely on the IGAD forum.[185] The Clinton Administration had initially sought to aid the regimes in their continued hostility towards the Bashir regime. In late 1996 and early 1997, the Clinton administration transferred US$20 million in military aid to Uganda, Eritrea and Ethiopia, three IGAD members which were on poor terms with Khartoum. It is widely assumed that this aid was funnelled to the SPLA.[186] However, by the end of the 1990s it seemed Washington abandoned its financial support for regime change.

Multilateral organizations tend to rely on a 'top down, externally guided, supply driven, elitist and interventionist' approach to conflict resolution, and IGAD by the turn of the century would begin to follow this model.[187] By 1999 the forum, still only marginally effective, began more intense efforts to formalize the process of negotiations and make it routine. That year the position of an IGAD secretariat was created with a mandate for a process of continuous negotiations between the two

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[183] De Waal, "Sudan: international dimensions to the state and its crisis," 12. Woodward, *US Foreign Policy and the Horn of Africa*, 100. Madut-Arop, *Sudan's Painful Road to Peace,* 401.

[184] Seii, "The Intergovernmental Authority on Development (IGAD) and the Sudanese Peace Process," 15. Dagne, "Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and US Policy," 9. El-Affendi, "The Impasse in the IGAD Peace Process for Sudan," 588. El-Affendi writes that the positive reception the Khartoum Peace Agreement signed with various rival militias to the SPLA in April 1997 gave Khartoum the confidence to finally agree to the Declaration of Principles, and may also have acted as a precedent since both agreements concerned similar issues of secularism and self-determination.

[185] Woodward, *US Foreign Policy and the Horn of Africa*, 43, 45. Woodward notes that USAID, operating in the south without reliance on Khartoum during the 1990s was an early influence on Clinton Administration policy. For most of the decade USAID was hostile to Khartoum, and supported the IGAD forum in 1994, two precedents which the Administration would eventually follow.

[186] Roger Dean. "Rethinking the civil war in Sudan." *Civil Wars* 3:1 (March 2000), 82. Ronen, "Ethiopia's Involvement in the Sudanese Civil War," 118. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 74. Dagne, "Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and US Policy," 15. Woodward, interview.

[187] John Young. "Sudan: A Flawed Peace Process Leading to a Flawed Peace." *Review of African Political Economy* 32:103 (2005), 16. Lobban, interview, 99.

parties.[188] By this time, IGAD's European partners had become willing to provide more funds to the process in Nairobi.[189] The new emphasis on organizational structure, along with invigorated external backing, marked the start of that forum's increased usefulness.

With a new tier to IGAD's composition however, new tensions arose. There would remain disputes about the roles Western partners were to play in mediation by the turn of the century. Concerns existed among some observers that the Western sponsors of the IGAD process were either too ignorant of the conflict or too concerned with their own interests to play a very active role in mediation. An early example came in May 2001, when the National Democratic Alliance charged the European Union with being too lenient on Khartoum. By reducing its analysis of the conflict to a simple north/south dilemma, the NDA believed the EU was forgetting the tensions which led to northern resistance, in addition to that in the south. The NDA were also concerned with what they saw as the EU's acquiesce to Khartoum's preference for a cease fire before negotiations.[190]

By 2001, the second war had reached its ultimate moment of stalemate: while regional and international opinion was becoming increasingly sympathetic to the SPLM/A, the Bashir regime was able to use its new oil revenues to buy enough weapons and political support to ensure it could not be dislodged from Khartoum.[191] The deadlock would be broken with the entry of the US into direct mediation in late 2001. As the United States became involved, it also brought its own understanding of the conflict. President Bush's special envoy to the region John Danforth had begun his work in Sudan by advocating a cease fire in the Nuba Mountains, an area with much hostility to Khartoum but very little demand for self-determination. At one point Danforth told Kenyan mediator Lazaro Sumbeiywo that the problem could be

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[188] Waihenya, *The Mediator*, 41.
[189] Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 264.
[190] ICG, *God, Oil and Country*, 66.
[191] Woodward, *US Foreign Policy and the Horn of Africa*, 118-119. Young, "Sudan IGAD Peace Process: An Evaluation," 32. Young writes that Khartoum believed the US intervened in mid-2001 because the tide was turning against the SPLA at that point, though the uprising in Darfur in 2003 demonstrated that this would not remain a constant pattern. Malik Agar, the SPLM/A governor of the South Blue Nile, stated in March 2001 that unless Khartoum's access to oil revenues was stopped, the SPLA could only hold out fighting for another three or four years.

solved if the government would simply 'divide the oil'.[192] The inference was that solutions which worked in the Nuba Mountains might be appropriate for the larger war, bypassing questions of southern identity and accepting instead the theory of economic grievance.

By 2002 the United States was attempting to involve itself in the mediation process more than the regional moderators, especially Kenya, thought was necessary. In the period leading up to the Machakos protocol, the US and Kenya were competing for rights to host the process. When the US tried to set up an IGAD meeting in Washington, including the NDA, Kenya blocked the move.[193] Only the eventual US acquiescence to regional mediation as led by Kenya would end this competition.[194] Once the US had agreed to allow Kenya to preside over mediation efforts, few other states would challenge it for that role. Soon a troika of the US, UK and Norway had stepped forward as the leading Western sponsors of the peace process. These states formed the second circle of participants in the negotiations, the first circle consisting of the two parties and the IGAD mediators, especially Sumbeiywo. Over 2001 and 2002, this troika would emerge from the IGAD Partners Forum, a collection of Western states with conflicting interests that had been difficult to manage because of its general reliance on consensus.[195]

Dixon and Simmons describe 'track one-and-a-half' initiatives, which are more closely linked to official processes than other track two initiatives, but involve the

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[192] Waithaka Waihenya. *The Mediator: Gen. Lazaro Sumbeiywo and the Southern Sudan Peace Process.* Nairobi: Kenway Publications, 2006, 89. Johnson, interview. Johnson also believed that Danforth initially oversimplified the war, but as a north/south, Muslim/non-Muslim conflict, not taking notice of the fact that there were not only Muslims represented in the broader National Democratic Alliance of which the SPLA was a part, but within the SPLA itself. Nor did Danforth understand the conditionality of SPLA demands for self-determination upon a secular, democratic state. Telephone interview by the author with R. S. O'Fahey, Oslo, 2009. O'Fahey notes that the IGAD partners – the US, UK and Norway – all thought they could use the self-interest of the parties to exploit the oil. Kelleher, "A Small State's Multiple-level Approach to Peace-making," 291. Danforth received much of his early, on-the-ground information about the conflict in Sudan from the delegates of Western states such as Britain and Norway. Charles Snyder. "Remarks on the Signing of the Naivasha Protocols." *Acting Assistant Secretary for African Affairs On-the-Record Briefing.* 27 May 2004. In the words of Acting Assistant Secretary for African Affairs in 2004, Charles Snyder, 'We formed a troika with the Norwegians and the British to drive this process. A broader European Union support package exists as well to drive this process. The Africans led this process.'

[193] ICG, *God, Oil and Country,* 158. Waihenya, *The Mediator*, 78.

[194] Woodward, *US Foreign Policy and the Horn of Africa*, 124.

[195] Kelleher, "A Small State's Multiple-level Approach to Peace-making," 295.

same individuals and institutions.[196] This concept would seem to apply to the Naivasha process, which was certainly not a track two process. Particularly in the later stages, the personal negotiations between Garang and Taha precluded any outside intervention at all. Instead, the parties relied on several resource people who were unaffiliated with either party, including workshops on constitutional and economic matters, oil revenues and banking systems.[197]

THE EGYPTIAN-LIBYAN JOINT INITIATIVE

The competition between an initiative introduced by Sudan's Arab neighbors and the IGAD process is a prime example of the difficulty posed when states tailor their involvement in a peace process to advance their own interests, as both initiatives, when presented together, had the potential to intensify hostilities. Northern opposition could rally around the unified vision of Sudan in the Egyptian-Libyan Joint Initiative while southerners could support the self-determination components of the Machakos Protocol.[198] Rogier says that for this reason the two initiatives 'exacerbated' the conflict, but US intervention on the side of the IGAD process – with an eye towards Egyptian interests– may have kept the tension from getting out of hand.[199]

The Egyptian-Libyan Joint Initiative began gestating during a long period where Egypt had felt sidelined in the region. From 1990 to 1998, Cairo had no influence in any of the states of East Africa, possibly for the first time in its modern history.[200] While Egypt retained observer status in the IGAD mediation process, Ethiopia in particular was suspicious of Egyptian influence in the Horn of Africa, and pushed for the Arab nation's exclusion as formal IGAD member.[201] Egypt's disapproval of the

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[196] Dixon and Simmons, "The Role of Track Two Initiatives," 61-62.
[197] Dalal Mohamed Rajab. "Naivasha Peace Agreement: Analysis and Evaluation Part I." *Respect* 2 (March 2006), 18.
[198] Rogier, *No More Hills Ahead?* 43.
[199] ICG, *God, Oil and Country,* 186. The report surmises that Egypt did not seek a leadership role in mediating the conflict, but wanted its interests protected, primarily its concerns about sharing Nile Water with yet another upstream state. Stepped up US involvement after 9/11, especially in the form of the anti-separatist John Danforth, might have mollified them somewhat.
[200] De Waal, *Islam and Its Enemies in the Horn of Africa*, 214.
[201] Woodward, *US Foreign Policy and the Horn of Africa*, 52, 125-126. Egypt was granted status as a Friend of IGAD in 1999.

manner in which successive Sudanese governments handled the new war during the 1980s, especially Sudan's insistence on nationwide Islamic law, led to Cairo taking a somewhat impartial stance during most of the war, a tacit acceptance of the SPLA as an inevitable by-product of poor leadership in Khartoum. Despite generally poor relations with the NIF regime throughout the 1990s, Egypt never gave any funding to the SPLA, and sought to avoid getting drawn into the conflict, unlike other states in the region.[202] Even after the 1995 assassination attempt on Hosni Mubarak, when Egypt's US ally was pushing for severe sanctions on Sudan, Cairo fought against an arms embargo, declaring that northern Sudanese had the right to defend themselves during a civil war.[203] Nevertheless, Egypt's hesitant relations with the SPLM/A were better than their nonexistent relations with Anya Nya in the previous war. The more outright separatist nature of the earlier movement and its relative lack of strength gave Egypt little reason to establish communications.[204]

During this period, Sudan was also straining its relations with Arab states. Egypt considered overthrowing the regime after Sudan's connections to the assassination attempt on Mubarak were discovered in 1995, but eventually it shifted to a policy of engagement of the regime, as the US would also do years later.[205] Cairo's relations with Khartoum would remain poor throughout the 1990s, only mending when Bashir split from Turabi at the end of the decade. Egypt then declared strongly that it was against southern self-determination, and worked with Libya to advance a peace initiative more favorable to northern interests.[206] Despite its vigilant desire to protect its own interests, there is little evidence to suggest Egypt was hostile to a successful peace process in the second war. Kalpakian, based on Cairo's feckless history with the various Sudanese regimes, suggests that Egypt sought perpetual conflict in Sudan. However, this analysis neglects Egypt's desire to keep the region stable so the Nile waters would not be tampered with. Kalpakian further, incorrectly, suggests that

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[202] Petterson, *Inside Sudan: Political Islam, Conflict, and Catastrophe*, 67. Woodward, *Sudan, 1898-1989: the Unstable State*, 225.
[203] Al-Shahi, interview. Woodward, *US Foreign Policy and the Horn of Africa*, 94.
[204] ICG, *God, Oil and Country*, 55. Woodward, *Sudan, 1898-1989: the Unstable State*, 225.
[205] ICG, *God, Oil and Country*, 54. El-Affendi, "The Impasse in the IGAD Peace Process for Sudan," 595. A primary reason Sudan was forced to rely on the IGAD process during the mid-1990s was that Arab neighbors such as Egypt and Saudi Arabia, which might have made friendly mediators, were alienated by Khartoum's conduct during that period.
[206] Petterson, *Inside Sudan: Political Islam, Conflict, and Catastrophe*, 228-229.

Egypt could not live with a federal, secular Sudanese government.[207] In his 2000 analysis of the civil war, Roger Dean also stated that Egypt had an incentive to keep the second Sudanese civil war active, citing Cairo's desire to avoid the development in the south which peace might bring, as well as the possibility of the south's secession and another independent state controlling the headwaters of the Nile, so vital to Egypt.[208] This analysis downplays the tension between Cairo and Khartoum throughout the 1990s, and overstates Cairo's skepticism of the SPLM/A, which by the middle of that decade had formed ties with northern factions in the National Democratic Alliance that had Egypt's sympathy, such as the DUP.

By 1997, as Khartoum consented to the Declaration of Principles and the possibility of southern self-determination being a solution to the conflict, both of Sudan's Arab neighbors had become more concerned about the direction the IGAD process was taking. In 1999 they launched the Egyptian-Libyan Joint Initiative, a new proposal calling for the inclusion of other NDA members in the negotiation process, and excluding southern self-determination as a key principle for resolution of the conflict.[209] The ELJI favored holding a constitutional conference and setting up an all-party transitional government, an arrangement which met some of the key demands of Sadiq Al-Mahdi, who was considered a force behind the forum.[210] Al-Mahdi's frustration with the SPLM/A and other NDA elements who expressed some hesitancy about the initiative led him to return to Khartoum to make his own peace with the government, declaring that the remaining opposition was not serious about negotiations.[211] Egypt, in seeking to advance an initiative which protected its security interests, had succeeded only in fracturing the NDA, which had been attempting to

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[207] Jack Kalpakian. "War Over Identity: the case of Sudan." *Big African States*. Eds. Clapham, Christopher, Jeffrey Herbst and Greg Mills. Johanesburg: Wits University Press, 2006, 52.

[208] Dean, "Rethinking the civil war in Sudan," 77-78. The article further asserts that Egypt's interest in the Jonglei canal project throughout the 1970s was not simply meant to increase the flow of Nile waters downstream, but to ease the assimilation of southerners into Arab culture. This is dubious, and the Egyptian intelligence cited by Dean seems to reflect more a political objective of northern factions within Sudan than of Egypt, which has had no serious involvement in attempting to assimilate the south since the 1950s.

[209] Prendergast and Mozersky, "Love Thy Neighbor." Kelleher, "A Small State's Multiple-level Approach to Peace-making," 294.

[210] "The Sudan-IGAD Peace Process: Signposts for the Way Forward," 9. De Waal, "Sudan: international dimensions to the state and its crisis," 17. Telephone interview by the author with Richard Barltrop, London, 2009.

[211] Burr and Collins, *Revolutionary Sudan: Hassan Al-Turabi and the Islamist State, 1989-2000*, 269. Woodward, interview. Barltrop, interview.

forge strong enough ties between its various members over the previous five years to act as a coherent government-in-exile.

Khartoum may have seen the initiative as a new weapon by which to force a wedge between opposition groups, but it was of limited usefulness in this regard. After the initiative's 1999 launch, the Secretary General of the ruling National Congress Party (NCP) said Khartoum might consider bypassing the SPLM/A if it boycotted a prescribed peace conference.[212] This was an empty threat, as both the government and the northern opposition in the NDA realized that the failure to address the southern demand for self-determination was a serious flaw of the initiative. Self-determination had become a non-negotiable point for the SPLM/A, and its omission is probably what led to the ELJI's relegation to the periphery. Without the SPLA's full participation, the usefulness of the forum was compromised. As the failure of the 1997 Khartoum Peace Agreement proved, no serious peace could be made in the south without the inclusion of Garang's powerful group. Additionally, neither the SPLA nor the NDA would commit to a plan which did not honor the importance of the separation of religion and state, even if the dissidents accepted power-sharing and unity in principle.[213]

The slow process after the forum's initiation also contributed to its irrelevance. Five verbal points were issued in Tripoli in September 1999, but a response from the NDA was only requested ten months later. The first written proposal was not drafted by the sponsors until a year after that.[214] Most importantly, the SPLM/A and Khartoum never met for negotiations under the Egyptian-Libyan forum. The government by this point had neither the power nor the interest in the initiative to fight to retain it. The SPLM/A was also wary of the initiative because it doubted the commitment of either of the sponsoring parties to democracy or human rights, which would become a priority without the option of southern self-determination. They also recognized its

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[212] ICG, *God, Oil and Country,* 160.
[213] ICG, *God, Oil and Country,* 162-163. "The Sudan-IGAD Peace Process: Signposts for the Way Forward," 5. Ibrahim, interview. Former NDA commander Ibrahim notes the difficult position many NDA members found themselves in after the government demonstrated that it might be receptive to the ELJI: the NDA had already committed to southern self-determination, but the ELJI addressed the core concerns of northern exiles. In addition, the NDA wanted to involve Egypt and Libya for fear they might otherwise become supporters of the government.
[214] ICG, *God, Oil and Country,* 165.

potential to allow the government to forum-shop. However, because of their Arab constituencies, neither the government nor most parties to the NDA from northern Sudan could afford to ignore the initiative even if they would have preferred to.[215]

By 2001, impatience with IGAD had driven the NDA to call for a merging of the ELJI and the IGAD process.[216] It is possible the NDA was pushed to the ELJI forum not only because it sought to address concerns of northern dissidents such as Sadiq Al-Mahdi and other Umma members, but because the northern exile movement was allowed such a minimal role in the IGAD process. By 2001, the group was having difficulty even getting appointments scheduled with IGAD mediators.[217] When its representatives showed up to the Machakos negotiations in July 2002, the SPLM/A did not allow them a seat at the negotiating table.[218] The exclusion of the NDA and others from the Naivasha process was a result of IGAD mediators' belief that the parties with the main grievances and the main military capacity should have their concerns addressed first, then other parties could be included. The two main parties would accept this because it gave them the opportunity to form a temporary alliance, sanctioned by a broad portion of the international community as represented by IGAD partners. IGAD's narrow focus on resolving differences between the NCP and SPLM/A before other parties – backed by the troika of Norway, the UK and the US – gave the Bashir regime an excuse to delay any negotiations in Darfur by delaying the Naivasha process, during which it continued its military campaign in the west.[219]

The Egyptian-Libyan Joint Initiative could not be completely ignored, as its sponsors were both too powerful regionally to have their interests disregarded. Instead, IGAD mediators made more efforts to ensure those states felt their concerns were addressed in the IGAD process.[220] By seeking to fold the Egyptian-Libyan Joint Initiative into the IGAD process, US Special Envoy John Danforth also may have been attempting

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[215] Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 77.
[216] ICG, *God, Oil and Country,* 182. Woodward, interview.
[217] ICG, *God, Oil and Country,* 158. Young, "Sudan IGAD Peace Process: An Evaluation," 22-23. Some elements in the NDA were also tepid about being involved in the IGAD process. Mohammed Othman Al-Mirghani and the *Khatmiyya*-oriented DUP, influenced by their Egyptian ally, also did not seek representation in the IGAD process except through the SPLM.
[218] De Waal, "Sudan: international dimensions to the state and its crisis," 17.
[219] Rogier, *No More Hills Ahead?* 98.
[220] Hartwig Euler. "Human Rights in Sudan: Islamic State and Cultural Diversity". Missio. Pontifical Mission Society, 2005, 49.

not to sideline Egypt, a more crucial US ally than any of the IGAD states.[221] The United States had no formal relations with Libya, but the United Kingdom did, and London was able to help ensure Tripoli would not play a spoiler in the process.[222] In a 2003 interview, IGAD mediator Lazaro Sumbeiywo stressed that he had been to Egypt often to ensure they were aware of the status of negotiations and that they now supported the IGAD process.[223]

THE UNITED STATES COMMITS TO PEACE

The United States became one of the first parties the Bashir regime would turn to in early efforts to control the peace process, approaching Washington to mediate in March 1990.[224] That initiative was scuttled after Sudan supported Iraq during the 1990-1991 Gulf War, and animosity between the parties increased throughout the rest of the decade. The government's successful effort to thwart Garang's 1992 assault on Juba shortly after the first Abuja conference in 1992 further alienated Khartoum internationally as it involved such measures as retaliations against the civilian population of Juba, including the execution of two Sudanese employees of USAID. It was condemned by the US Congress, the British Parliament, and the UN Commission on Human Rights by mid-1993.[225]

The American-Sudanese relationship typically remained icy following the end of Nimeiri's reign, but became outright hostile by the late 1990s. In November 1997,

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[221] Johnson, interview.

[222] Woodward, *US Foreign Policy and the Horn of Africa*, 125.

[223] IRIN 2003. Sumbeiywo, "The Mediator's Perspective," 22-23. Sumbeiywo says that it was Egyptian President Mubarak who in turn promised to reassure Libyan leader Qaddafi, his co-sponsor of the Egyptian Libyan Joint Initiative. John C. Danforth. "Report to the President of the United States on the Outlook for Peace in Sudan." 26 April 2002, 19. In his report to President Bush, Danforth also reported that Mubarak assured him that he would work with Kenyan President Moi to 'harmonize' the two processes. Rogier, *No More Hills Ahead?* 93. Egypt and the Arab League were also approached by Khartoum in mid-2003, but declined to mediate. Young, "Sudan IGAD Peace Process: An Evaluation," 33. Young asserts that Egypt and the Arab League avoided an active role in the IGAD process because they thought it would collapse.

[224] Maundi, Zartman, Khadiagala and Nuamah, *Getting In: Mediators' Entry into the Settlement of African Conflicts*, 139. The US proposal was to allow the SPLA to control the south, which they had largely conquered by that point. The government opposed the proposal because it would require foreign monitors to enforce the cease fire. It was rejected by the SPLA as it was contrary to that movement's national revolution objective. In addition, it was unlikely Ethiopia's Mengistu regime would cooperate as the initiative would A) end its proxy war against Khartoum too quickly and B) endorse a quasi-separatism which Ethiopia abhorred, particularly with its own separatist threat in Eritrea.

[225] Kok, *Governance and Conflict in the Sudan 1985-1995*, 186.

the Clinton Administration imposed trade and economic sanctions.[226] A nadir in relations was reached with the August 1998 bombing of a pharmaceutical plant in retaliation for what the US considered Sudan's involvement in terrorism.[227] By the turn of the century, support for the Clinton Administration's hardline policy had collapsed in Europe. Only a few states, primarily Norway and the Netherlands, supported continuing the policy over renewed calls for engagement, and Khartoum's cooperation with Canadian and Chinese oil companies led states such as Germany, France and the United Kingdom to believe isolation was increasingly counterproductive.[228] The Khartoum Peace Agreement of 1997 had allowed Khartoum access to oil fields, gaining the interest of European oil companies and fracturing any Western consensus over isolating Sudan.[229] Khartoum has sought to balance US influence with that of Europe, especially France, using the prospect of increased French oil exploration as an incentive.[230] The government, and even some parties in the northern opposition, had come to consider the European Union to be a more even-handed mediator than the US, which was seen as too sympathetic to the SPLM/A.[231]

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[226] "The Sudan-IGAD Peace Process: Signposts for the Way Forward," 6. Dagne, "Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and US Policy," 15. Young, "Sudan IGAD Peace Process: An Evaluation," 12. Woodward, interview. Yongo-Bure, *The Economic Development of Southern Sudan*, 81.

[227] Michael Kevane. "Sudan: 2001-2002. From war to the possibility of peace in the south and then to new conflict in Darfur." Chapter prepared for *African Contemporary Record* (December 2004), 20. Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 74. Francis Mading Deng and J. Stephen Morrison. *Report of the CSIS Task Force on U.S.-Sudan Policy.* Washington: Center for Strategic and International Studies, 2001, 5. Woodward, *US Foreign Policy and the Horn of Africa*, 104-105. US allegations that the plant was involved in the manufacturing of chemical weapons were never substantiated.

[228] Johnson, interview. ICG, *God, Oil and Country,* xiii. Ted Dagne and Bathseaba Everett. "Sudan: The Darfur Crisis and the Status of the North-South Negotiations." *Foreign Affairs, Defense and Trade Division of the Congressional Resource Service*, Issue Brief for Congress. 22 October 2004, 19. Rogier, *No More Hills Ahead?* 79.

[229] Johnson, *The Root Causes of Sudan's Civil Wars*, 107, 142.

[230] Shannon Lee Field. "The Internal and External Contexts of Oil Politics in Sudan: The Role of Actors," *The Sudan Peace Process: Challenges and Future Prospects*, ed. John G. Nyuot Yoh and Eddy Maloka. East Lansing, Michigan: Michigan State University Press, 2005, 72. Petterson, *Inside Sudan: Political Islam, Conflict, and Catastrophe*, 172.

[231] Hassan E. El-Talib. "Sudan Government and the Peace Process." *The Sudan Peace Process: Challenges and Future Prospects*, Ed. John G. Nyuot Yoh and Eddy Maloka. East Lansing, Michigan: Michigan State University Press, 2005, 32. Osman Antwi-Boateng and Geraldine Maria O'Mahony. "A Framework for the Analysis of Peace Agreements and Lessons Learned: The Case of the Sudanese Comprehensive Peace Agreement." *Politics and Policy* 36:1 (2008), 172. While Khartoum had difficulty accepting the US as an impartial mediator, the SPLA was suspicious of heavy British activity in the negotiations, as it was assumed that London favored a unified Sudan over the possibility of southern separation. ICG, "Sudan's Dual Crises," 7. As late as 2004, with the US considering another round of sanctions just as the Naivasha process was coming to an end, Sudanese officials travelled to Europe to convince legislators there that sanctions against the regime might cripple its ability to make peace and might even empower more radical forces.

By the end of its second term, the Clinton Administration began changing its strategy of isolating Sudan and seeking regime change towards one of engagement, a policy pursued with even more vigor by the incoming Bush Administration. The old strategy was no longer working: as former US ambassador to Khartoum Donald Petterson notes, Sudan's neighbors were indeed hostile to it by the end of the century, but due to its own destabilizing actions, not those of Washington.[232] In May 2000, both governments agreed that a counter-terrorism team from Washington would begin work in Khartoum. It completed its report in February 2001.[233] Clinton's special envoy to the region, former congressman Harry Johnston, as well as some US security agencies were by July 2000 already pushing for the US to change its strategy for the purpose of gaining access to Sudan's intelligence on al Qaeda and other terrorist organizations.[234] The Bush Administration would continue this change of policy after January 2001.

When the Bush Administration entered office, it sought to streamline the role of the US and other states involved in the war, as well as simplify its demands on Khartoum. Danforth in particular saw the American role as bringing together its regional allies in the process, and coordinated visits to the Egyptian, Ugandan and Kenyan presidents to that effect. He also stated that 'exaggerated differences in approaches between the US and Europe have had an impact upon the Sudanese to the detriment of peace efforts.'[235] The Bush Administration began to work with its allies towards the goal of ending the war.[236] In addition, Washington modified its bilateral approach with Khartoum. A July 2001 delivery of 40,000 tons of wheat from USAID to Sudan was an early attempt by the Bush Administration to improve relations with

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[232] Petterson, *Inside Sudan: Political Islam, Conflict, and Catastrophe*, 172. Johnson, interview.
[233] Petterson, *Inside Sudan: Political Islam, Conflict, and Catastrophe*, 238. Woodward, *US Foreign Policy and the Horn of Africa*, 109.
[234] Johnson, interview. Woodward, *US Foreign Policy and the Horn of Africa*, 109.
[235] Danforth, "Report to the President of the United States on the Outlook for Peace in Sudan," 19. Rogier, *No More Hills Ahead?* 62.
[236] Field, "The Internal and External Contexts of Oil Politics in Sudan," 73. De Waal, "Sudan: international dimensions to the state and its crisis," 17. Petterson, *Inside Sudan: Political Islam, Conflict, and Catastrophe*, 238. Lobban, interview. Rajab, "Naivasha Peace Agreement: Analysis and Evaluation Part I," 17. Woodward, *US Foreign Policy and the Horn of Africa*, 114-116. Woodward, interview. Bush had become interested in the war's effect on southern Sudan's Christians through his mother-in-law, and through the father and son evangelist team of Billy and Franklin Graham. The evangelical movement in America, a key constituency of the Republican Party, strongly supported intervention to end slavery and the oppression of Christians in southern Sudan. It was joined by prominent African Americans and Human Rights Organizations. ICG, *God, Oil and Country*, 205. Other conservative supporters of the administration such as the Heritage Foundation, advocated aiding the SPLA if Khartoum began to prevaricate concerning a negotiated settlement.

Khartoum after they had fallen to their nadir during the 1990s.[237] Gestures such as this paved the way for John Danforth's involvement later that year.

Given Khartoum's compliance on security and the peace process after the 11 September 2001 terror attacks, Washington would have difficulty opposing the lifting of sanctions. However, the US soon established a link between sanctions and Sudan's commitment to peace efforts that was not apparent when sanctions were first imposed. New conditions had now been drawn up just as Khartoum had complied with the previous ones. Khartoum was not rewarded when it complied with US demands on terror, but would be removed from the list of states sponsoring terror when Sudan signed a peace agreement.[238] This shift of policy was inconsistent, but in keeping with the recommendations made to the White House by a Center for Strategic and International Studies report in early 2001, which focused on ending the war instead of the multiple goals of the Clinton Administration. This helped Khartoum understand that ending the war was to be the US's overriding objective from then on, despite Washington's earlier inconsistency.[239] The CSIS report suggested bypassing competing initiatives such as the ELJI in favor of joining Norway and the UK in advancing the languishing IGAD process.[240] It noted that for the US to re-establish a relationship with Sudan would be a strong incentive for Khartoum to commit to peace, as the US could remove UN Security Council sanctions and support World Bank and IMF involvement in Sudanese finances.[241] The report also addressed the internal divisions among the regime, declaring that 'ironically, despite its burgeoning oil wealth, the present government in Khartoum is arguably weaker than in earlier periods and for that reason less able to act coherently

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[237] Kevane, "Sudan: 2001-2002," 22.

[238] Woodward, interview.

[239] Deng and Morrison, *Report of the CSIS Task Force on U.S.-Sudan Policy*, 1-2, 4. The report noted that the US had achieved little by being the 'lone holdout' in a dialogue with Khartoum among Western states, and that the time to push for a peace deal was at that moment, before Khartoum succeeded in using its oil revenue to change the balance dramatically in its favor. Rogier, *No More Hills Ahead?* 49, 54. Dagne, "Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and US Policy," 14.

[240] Deng and Morrison, *Report of the CSIS Task Force on U.S.-Sudan Policy,* 2, 7. 'Regional initiatives hold little promise for ending Sudan's war. Although the IGAD peace initiative has had certain achievements on which any future initiatives should build, IGAD cannot be relied on to persuade Sudan's warring principals to enter into serious negotiations. The Egypt/Libya initiative is essentially intended to checkmate IGAD, specifically on the issue of self-determination of the south. A new, robust extra-regional mediation agency is required if a credible peace process is to begin in Sudan.' Deng and Morrison 2001, 9. The CSIS report's subsequent recommendation that the US join other Western states in negotiating along the terms of IGAD's Declaration of Principles formed the foundation for the Friends of IGAD, later the IGAD Partners Forum.

[241] Deng and Morrison, *Report of the CSIS Task Force on U.S.-Sudan Policy*, 7.

and deliberately: President Bashir's break with Turabi in late 1999 divides the Islamist movement, and Bashir is still unable to broaden his domestic power base.'[242] Significantly, the report did not suggest using these internal rifts to destabilize the regime, but to persuade it to commit to peace, an approach the administration would emulate.

The focus on ending the war above other goals allowed Danforth to implement benchmarks that were less a separate American peace initiative than tests of good will. The test to implement a cease fire in the Nuba Mountains, one of the areas which had seen the most fighting throughout the war, would be a positive first step which would facilitate further involvement by the US.[243] It would also indicate that the government was ready to allow foreign peace observers within its borders, an event which had never occurred in the post-colonial history of the conflict-ridden state. This initial test was to be followed by three additional ones: an inquiry into the resurgence of slavery in the region, further short-term cease fires throughout the south to allow humanitarian aid in the region, and an end to attacks on civilians.[244] While the tests were not met with exemplary results across the board, enough action was taken that Danforth could report to the president in April 2002 that both sides were negotiating in good faith, and the US should therefore aid the peace process.[245]

Ending hostilities in the Nuba Mountains may not have directly contributed to the IGAD process, as Dagne asserts, nor did that area see fighting as intense as was

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[242] Deng and Morrison, *Report of the CSIS Task Force on U.S.-Sudan Policy*, 4.

[243] Deng and Morrison, *Report of the CSIS Task Force on U.S.-Sudan Policy*, 21-22. Danforth submitted that the status of US participation 'should be reviewed continually in light of the ongoing willingness of the parties to implement their agreements, and that a breakdown in the implementation of the four test agreements would bring into question the parties' commitment to peace.' Brusset et al. 2004, 7. Coghlan, *Far in the Waste Sudan*, 229. Woodward, *US Foreign Policy and the Horn of Africa*, 121. Woodward cites a Danforth quote from November 2001 which shows candidly how critical the Nuba Mountains cease fire was to US involvement: 'If they don't want peace they will tell us by inaction... if that is what happens and it's clear to me by mid-January, I'm simply going to report to the president that we tried, we did our best and there is no further useful role that the United States can play'.

[244] Woodward, *US Foreign Policy and the Horn of Africa*, 121. Amani M. El Obeid. *Chronique Politique du Soudan 2003*. Cedej, Le Caire, Etudes et document, 16-17 (2004), 5. Lobban, interview. Emery Brusset. "Evaluation of the Conflict Prevention Pools: Sudan." Evaluation Report EV 647. United Nations Department for International Development, 7. Dagne, "Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and US Policy," 4.

[245] Woodward, *US Foreign Policy and the Horn of Africa*, 122. Danforth "Report to the President of the United States on the Outlook for Peace in Sudan," 31-33.

occurring simultaneously in Bahr Al-Ghazal and Western Upper Nile.[246] However, the episode significant in that it demonstrated to the warring parties that the US was ready to assist in resolving the conflict. It demonstrated to the Bush Administration that devoting US resources and prestige to the negotiation efforts need not be a vain gesture. Additionally, it ended hostilities in one of the disputed north-south border regions, thereby making it easier to discuss a permanent settlement for the region without negotiation being dictated by new hostilities on the ground. With this in mind, the Nuba Mountains settlement contributed significantly, if indirectly, to the greater IGAD process.

The prevailing international attention paid to terrorism and its state sponsors also affected the US role in negotiations. Khartoum's unease at being a potential target of US military action in the months soon after the 11 September 2001 terrorist attacks was an incentive to abide by Danforth's relatively mild tests of good faith.[247] It is possible that the peace process would have fallen apart without the increased international pressure, especially from the US. An attempt by the IGAD mediators to revive their process in June 2001 brought Bashir and Garang to talks in Kenya, hosted by Kenyan President Moi, but made no other significant headway. Soon thereafter, the SPLA captured Raga, a town on the Chadian border in Bahr Al-Ghazal, and for the following three months the war became just as intense as ever.[248] However, American involvement was not an unqualified blessing in moving negotiations forward. As the US became less popular throughout the Middle East after the Iraq invasion of 2003, the Sudanese government felt more freedom to stall negotiations while it tried to improve its bargaining position. Khartoum began to

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[246] Dagne, "Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and US Policy," 4.

[247] Johnson, interview. Johnson notes high-ranking NIF official Salah Abdallah Gosh as saying that the regime cooperated with the United States after 11 September primarily in order to protect itself. De Waal, "Sudan: international dimensions to the state and its crisis," 18. *Peace by Piece: Addressing Sudan's Conflicts*, 41. 'The changed international situation after 11 September 2001 can be regarded as a central contextual factor in the Sudanese government's decision to attend the rejuvenated IGAD talks. A clear signal from the US that a break of the peace process would not be accepted was important at later stages of the talks as well.'

[248] Dagne, "Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and US Policy," 7. ICG, *God, Oil and Country,* 117-118. Raga was a strategic border town, and its conquest had a psychological impact on northern Sudanese, as many northerners viewed it as a northern town. By November the town had fallen again to the army, but the psychological damage had been done

ignore suggestions from the US that the Darfur crisis could be resolved by a process similar to the CPA, or that a resolution could be integrated into the CPA.[249]

Danforth made clear in his April 2002 report to the president that, even though he took Egyptian wariness of southern self-determination to heart, he believed the US should back the IGAD process exclusively.[250] He recommended that the US should not initiate its own peace process, instead opting to test whether peace was achievable by monitoring human rights in the area and applying confidence building measures.[251] As these were implemented, the US began to more strongly back the IGAD forum. By December 2002, long-term US backing of IGAD mediation seemed inevitable when Sumbeiywo and Moi met President Bush in Washington and were assured US support for the IGAD peace process.[252]

The schizophrenic approach the US took to the peace process was evident with the introduction of the Sudan Peace Act. The act could be seen as a constraint on the power of the executive concerning Sudan.[253] The act declared that sterner measures were necessary in dealing with Khartoum, as 'the disengagement of the front-line states of Ethiopia, Eritrea and Uganda, fostering the belief among officials of the Government of Sudan that success on the battlefield can be achieved.'[254] The State Department preferred to keep the delicate operation of negotiations within its own realm, and resented the challenge posed by the act.[255] The act passed in October 2002,

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[249] Justice Africa, 27 February 2004.

[250] Johnson, interview. Danforth 2002, 18, 34. Dagne, "Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and US Policy," 4-5. Danforth's apparent skepticism of the need for a self-determination referendum for the south was seen as contradicting his support for IGAD, and may have made some southerners more hesitant of increased US involvement in the process. El Obeid, *Chronique Politique du Soudan 2003*, 58. To ensure Cairo and Washington presented a united front concerning the need for continued negotiations, Danforth met with Egyptian Foreign Minister Ahmed Maher in July 2003 following the collapse of talks after disagreement over the Nakuru document.

[251] Euler, "Human Rights in Sudan," 47. Young, "Sudan IGAD Peace Process: An Evaluation," 13. ICG, *God, Oil and Country,* 178. Egypt's opposition to the formation of another initiative may have been a reason Danforth did not recommend the US launch its own.

[252] Waihenya, *The Mediator*, 100.

[253] De Waal, *Islam and Its Enemies in the Horn of Africa*, 241. US branches of government were often at odds with each other. State Department messages of neutrality could be undermined by congressional vows of support, perhaps giving the SPLA false hopes that the US might aid it militarily, as it had the Northern Alliance in Afghanistan.

[254] *Sudan Peace Act*, 2002, section 2(15).

[255] Young, "Sudan IGAD Peace Process: An Evaluation," 13. Woodward, *US Foreign Policy and the Horn of Africa*, 128. Dagne, "Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and US Policy," 11. Rogier, *No More Hills Ahead?* 81, 84. The act was finally passed by the US House of Representatives in June 2001 with an

and promised further sanctions if Khartoum was not seen to be acting in good faith in peace negotiations.[256] It made available to the president up to US$100 million per year from 2003 to 2005, to prepare the southern areas outside the control of Khartoum for peace. Khartoum would also be threatened by a blockade of loans from the IMF or World Bank and damage to diplomatic relations if Bush did not, every six months, certify that the regime was cooperating with the peace process.[257]

By the later period of the peace process, Washington was running out of economic disciplinary measures to pressure Khartoum. Of the various types of sanctions threatened in the Sudan Peace Act, most had already been enacted and the rest, especially a proposed arms embargo, would require the cooperation of Russia and China.[258] Nevertheless, Bush's reaffirmation of the peace process would sometimes serve as a useful way to provide momentum to the talks when they appeared stalled, as in April 2003, when his reaffirmation even during a period of apparent stalemate, allowed the parties time to conclude the September 2003 Security Agreement.[259]

Sanctions are a conflict management tool more than a conflict resolution one, and as a result the effectiveness of the Sudan Peace Act became suspect once Khartoum was fully engaged in negotiations. As it became more apparent that the parties were locked into the mediation process and could no longer credibly pull out or shop for forums, the US became less concerned about how Khartoum would react to sanctions. On 22 July 2004, the US congress passed resolutions declaring that the campaign in Darfur was genocide, based on the five criteria for genocide in Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide.[260] On 23

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amendment stopping oil companies which did business with Sudan from trading on US stock exchanges. The version reintroduced in 2002 lacked this amendment.

[256] "The Sudan-IGAD Peace Process: Signposts for the Way Forward," 16. Ulf Terlinden and Tobias Debiel. "Deceptive Hope For Peace? The Horn of Africa Between Conflict Diplomacy and Obstacles to Development." Peace, Conflict & Development 4 (April 2004), 10. El Obeid, *Chronique Politique du Soudan 2003*, 49. Barltrop, interview.

[257] *Sudan Peace Act,* 2002, sections 5(b)(1), 6(b)(1) and 8. Terlinden and Debiel, "Deceptive Hope for Peace?" 10. Kevane, "Sudan: 2001-2002," 24.

[258] Rogier, *No More Hills Ahead?* 85.

[259] Sidahmed and Sidahmed, *Sudan: The Contemporary Middle East*, 80.

[260] Dagne and Everett, "Sudan: The Darfur Crisis and the Status of the North-South Negotiations," 13.

December 2004, Bush signed the Comprehensive Peace in Sudan Act, which advocated sanctions against Khartoum for atrocities committed in Darfur.[261]

The US was especially interested in enacting a final agreement as quickly as possible. By early 2004 US officials were rallying for a quick push to wrap up the peace process, but Sumbeiywo, backed by the Norwegians, sought to take the additional time necessary to lock in an implementation process. He felt this was one of the critical failures of the AAA.[262] The US allowed the prospect of an official ceremony at the White House marking the agreement, but the State Department admitted that this was more to raise the prestige of the agreement than to convince the two parties to make peace.[263] Khartoum eventually also became wary of such a ceremony.[264]

INTERNATIONAL ATTENTION AND IGAD FOCUS

The great difficulty of resolving the conflict throughout the 1990s was that there were an increasing number of uncoordinated efforts by several potential mediators to push the warring parties towards an agreement. This was particularly the case when one of those parties, usually the government, preferred to look for a military solution. Such disjointed efforts by intermediaries can be counterproductive, and reluctant parties to negotiations tend to play mediators off each other.[265] This forum-shopping can be used either to maximize a party's negotiating leverage or to stall a peace process until military victory can be achieved.

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[261] Rogier, *No More Hills Ahead?* 88.

[262] Waihenya, *The Mediator*, 134. Young, "Sudan IGAD Peace Process: An Evaluation," 34. Young quotes one of the mediators in the process as saying that the US had been hoping to have the final agreement concluded in time for President Bush's January 2004 State of the Union address to congress. While the US was unsuccessful in speeding up the talks, it was able to persuade Sumbeiywo to get two of the principle leaders, Taha and Garang, to speak to each other directly. O'Fahey, interview. O'Fahey says contacts of his involved in the negotiations said the Wealth Sharing Agreement was settled between Taha and Garang in a matter of weeks, but the details and presentation kept if from being drafted for several months. Barltrop, interview. Barltrop, who also attended some of the meetings in Naivasha, notes that though US representatives such as Roger Winter were pushing for faster progress in the talks, they were at most a 'sporadic presence'.

[263] Charles Snyder. "Remarks on the Signing of the Naivasha Protocols." It is likely the increased conflict in Darfur throughout 2004 made a White House signing of the agreement untenable, as ending hostilities in that region was a condition for such a ceremony.

[264] Antwi-Boateng and O'Mahony, "A Framework for the Analysis of Peace Agreements and Lessons Learned," 172. 'Consequently, when the idea of exchanging the signed agreements at the White House was broached, the government rejected it.'

[265] Louis Kriesberg. "The Growth of the Conflict Resolution Field." *Turbulent Peace: The Challenges of Managing International Conflict.* Eds. Crocker, Chester A., Fen Osler Hampson and Pamela Aall. Washington DC: United States Institute of Peace Press, 2003419. Crocker, Hampson, Aall 2003, 507.

The latter was often the case for the NIF regime during the second war. Benjamin counts ten distinct peace talks or forums which Khartoum participated in during the first seven years of the NIF regime alone, including two meetings in Barcelona and The Hague in 1992.[266] Even when it felt it had a relatively free hand in the mid-1990s, Khartoum would rarely pull out of negotiations unilaterally, aware that it could invite further international involvement in the war by appearing overly bellicose.[267] Instead, Khartoum would seek out new forums in which to discuss ending the war, often complaining that previous ones had reached the limits of their usefulness. After September 1995, for example, Khartoum declared that the IGAD talks had reached a dead end and began searching for alternative forums in which to mediate, primarily to keep up the image of a peacemaker while completing military operations on the ground.[268] By mid-1996, Bashir was calling for face to face talks, arranged by either Kenyan president Moi or South African president Mandela, between himself and Garang, in another early attempt to step outside the IGAD process.[269]

Forum-shopping would become more difficult for Khartoum as IGAD began to maximize its strengths and improve its organizational structure. Crocker, Hampson and Aall describe the fundamental conundrum of organizational versus great power mediation addressed here. Organizations such as IGAD can more easily gain enough legitimacy to initiate mediation, but lack the ability to provide 'carrots and sticks' to steer parties through especially difficult areas of negotiation. Major powers, on the other hand, possess sufficient means of coercion and incentive, but often lack the legitimacy of a regional or international organization.[270] Powerful international actors also lack the immediate focus on regional conflict which neighboring states often have, as demonstrated by the scattered, hesitant approach of the US towards peace in

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[266] Barnaba Marial Benjamin. "The Sudan People's Liberation Movement/Army and the Peace Process," *The Sudan Peace Process: Challenges and Future Prospects*, Ed. John G. Nyuot Yoh and Eddy Maloka. East Lansing, Michigan: Michigan State University Press, 2005, 50.
[267] Petterson, *Inside Sudan: Political Islam, Conflict, and Catastrophe*, 162. Barltrop, interview.
[268] Lesch, *The Sudan: Contested National Identities*, 184. Petterson, *Inside Sudan: Political Islam, Conflict, and Catastrophe*, 162.
[269] Lesch, *The Sudan: Contested National Identities*, 207.
[270] Crocker, Chester A., Fen Osler Hampson and Pamela Aall. "Muli-Party Mediation and the Conflict Cycle." United States Institute of Peace, 1999, 29.

Sudan. As a result, the best hope for mediating a protracted conflict might be a concert of regional and international actors, the exact arrangement which would define the late IGAD process.

Several events within the IGAD organization helped it progress from a languishing, unused forum at the end of the century into one through which the Sudanese conflict could be mediated. Kenyan president Moi's appointment of Sumbeiywo to head IGAD mediation, plus the renewed efforts of the US, UK, and Norway in providing assistance to the regional organization, contributed to its resurgence by 2002.[271] As those three actors came to the forefront, other Western states endorsing the IGAD process became less involved. Likewise, as IGAD's task switched from providing a forum for mediation to actual mediation, Kenya rose in prominence above other regional partners.[272] This was primarily because of advocacy by the new troika of supporters, and because Kenya had been seen as relatively neutral by both the warring parties.[273] With fewer players directly involved in the process, the mediators could move into areas of negotiation which involved confidentiality and discretion. Such maneuvers was not possible earlier in the IGAD process or the Egyptian-Libyan initiative, when the parties were more interested in 'negotiating by press release', a process which kept members of both factions fully informed but made compromise difficult.[274]

Khartoum attended Machakos in 2002 partly out of fear of being labelled a 'renegade' and being viewed as unreceptive to peace efforts.[275] However, as the IGAD process picked up steam after the initial 2002 protocol, the government would

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[271] Petterson, *Inside Sudan: Political Islam, Conflict, and Catastrophe*, 242-243. An international delegation under Norwegian leadership was tasked to monitor the Nuba Mountains cease fire. A US team of roughly 20 people was inserted on the ground in Khartoum and Rumbek to monitor operations there.

[272] Young, "Sudan: A Flawed Peace Process Leading to a Flawed Peace," 104. Young, "Sudan IGAD Peace Process: An Evaluation," 14, 40. Young notes that the heightened coordination between the US and Kenya in the late IGAD process amplified the significance of both those states' involvement. Waihenya, *The Mediator*, 109. The US was foremost among states which successfully petitioned incoming Kenyan president Kibaki in late 2002 to retain Sumbeiywo in his position as IGAD negotiator, despite the fact that his appointment by previous president Daniel arap Moi left his standing in doubt. El-Affendi, "The Impasse in the IGAD Peace Process for Sudan," 592. Renewed conflict in the Democratic Republic of Congo also dominated Uganda's attention after August 1998, reducing its role in the IGAD process.

[273] Young, "Sudan: A Flawed Peace Process Leading to a Flawed Peace," 101. Rajab, "Naivasha Peace Agreement: Analysis and Evaluation Part I," 12. Euler, "Human Rights in Sudan," 32. Kenya was the only IGAD member state to constantly maintain diplomatic relations with Sudan throughout the Naivasha process.

[274] ICG, *God, Oil and Country,* 181.

[275] Waihenya, *The Mediator*, 83.

continue to search for alternative forums each time it was on the verge of being forced to make a major concession. In 2003, after the government delegation angrily rejected Sumbeiywo's Nakuru document, Khartoum again asked South Africa to take over mediation.[276] By 2004, the government was using international involvement to stall the mediation process, announcing in March that it would not finalize a comprehensive agreement until 2005 so that it would have time to familiarize itself with any incoming US administration.[277] However, with so much international support for the IGAD forum, it became harder for Khartoum to derail or suspend negotiations.

Khartoum's reluctance to commit to a single mediation forum was not unanticipated. One of the primary early reasons IGAD members attempted to rally Western governments behind their mediation efforts in the 1990s was not for funding or even basic technical support, but to keep these states (Australia, Britain, the Netherlands, Canada, Italy, Norway and the US) from becoming, or backing, rival mediators.[278] This coordination was crucial to combating the forum-shopping efforts of the parties. Another reason for IGAD's early attempts to reach out to industrialized states was that it further pulled the United States in particular into backing the forum as the only avenue for negotiations. The presence of so many Western allies of the US in the 'Friends of IGAD' club (later known as the IGAD Partners Forum) was an advantage no other peace initiative being put forward at the time could boast of.[279] American hesitancy to back the forum, or a choice to reinvigorate the initiative sponsored by its crucial Egyptian ally, might have stalled the process once again.

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[276] Waihenya, *The Mediator*, 114-115. South Africa, like Egypt, deferred to IGAD's mediation, a testament to the organization's growing stature in this sphere.
[277] ICG, "Sudan's Dual Crises," 7.
[278] Lesch, *The Sudan: Contested National Identities*, 185. Young, "Sudan IGAD Peace Process: An Evaluation," 10. Alan Goulty. "Sudan: Building on Peace in the South." Chatham House in partnership with Good Government Group. London. 8 November 2006, 8. UK envoy to the IGAD process Alan Goulty says Britain was also interested in ending the 'forum shopping' for the conflict. El-Affendi, "The Impasse in the IGAD Peace Process for Sudan," 584, 592. By 1998, the IGAD Partners Forum had over 20 member states, predominantly Western industrialized states, the EU, and various UN agencies. This amount of international support also put pressure on the IGAD forum specifically: In 2000, the slow rate of progress led the IGAD Partners to give the regional organization an ultimatum to show results towards a peace settlement by the end of the year or face the withdrawal of Western support for the forum.
[279] Johnson, *The Root Causes of Sudan's Civil Wars*, 102.

Financing was another contribution developed states were able to make to the peace process. IGAD Partners such as the US contributed significantly to costs such as travelling and residence expenses, as well as workshops and communications abilities which IGAD itself was unable to fund.[280] From February 2002 on, the UK helped finance the Joint Military Commission which monitored the implementation of the Nuba Mountains cease fire. After amendments in February 2003 to the Memorandum of Understanding between Khartoum and the SPLA, the UK also would devote many funds to the Verification and Monitoring Team.[281] Norwegian delegates from the IGAD Partners Forum coordinated heavily with the IGAD Secretariat in the first half of 2002 during the build up to the Machakos Protocol. Much of their involvement consisted in providing technicians to help draft proposals, lending their credibility as a successful international mediator to the peace process, and reassuring Egypt that its interests would be taken into consideration despite the failure of the Egyptian Libyan Joint Initiative to gain momentum.[282] A Norwegian Brigadier General assumed command of the international team sent to monitor the Nuba Mountains cease fire in 2002.[283] The Norwegian-headed Joint Assessment Mission Core Coordinating Group had representatives from the government, the SPLM, the UN and the World Bank.[284]

International agencies were able to keep momentum going even during long stalls in the peace process, such as that between the Machakos Protocol of July 2002 and the Security Agreement of September 2003. In May 2003, the World Bank, the United Nations Development Programme and the two parties set up a Joint Assessment Mission to determine the needs of Sudan throughout the interim period and to prepare

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[280] Rajab, "Naivasha Peace Agreement: Analysis and Evaluation Part I," 18.

[281] Brusset, "Evaluation of the Conflict Prevention Pools: Sudan," 11-12, 17-18, 22. The Verification and Monitoring Team was composed of 25 people, primarily Sudanese, members from other IGAD states, and Britons. The Joint Military Commission was particularly helpful with issues such as de-mining former combat zones, and slowly got into humanitarian issues such as food distribution as well. Brusset stresses that early mechanisms in the IGAD peace process were not in themselves enough to keep the peace; rather, they gained strength from the momentum of the peace talks throughout 2002-2005. However, though the JMC operates within international law, it does not have legal authority. 'Legitimacy derives from the pressure of a few foreign Governments.' The Verification and Monitoring Team, on the other hand, is to be staffed by persons from countries agreed upon by the two parties.

[282] Kelleher, "A Small State's Multiple-level Approach to Peace-making," 297.

[283] Kelleher, "A Small State's Multiple-level Approach to Peace-making," 298.

[284] Taj es-Sir Mahjoub. "Planning for reconstruction: the Joint Assessment Mission." *Peace by Piece: Addressing Sudan's Conflicts.* Accord 18 (2006). London: Conciliation Resources, 200643.

for the pre-interim requirements.[285] By mid-2003, Arab states had also begun promising to contribute to the reconstruction of southern Sudan, with Libya contributing US$1 million, and Qatar and Syria each offering US$500,000. Such aid was another indicator that all areas of the international community anticipated the conclusion of the war very soon.[286]

Of negotiated settlements of civil wars in the late twentieth century, only half were conducted with a third party mediating. As a result, Walter suggests that warring parties turn to outside mediation primarily because 'the appearance of mediators frequently coincides with the offer of outside security guarantees'.[287] It is these security guarantees which often solidify settlements that might otherwise not have held. As one comprehensive study of twentieth century conflict demonstrates, 'in every case in which a guarantee was offered, the two sides managed to reach and implement a lasting negotiated settlement. When no guarantee was offered, negotiations almost always broke down.'[288] In his report to President Bush advocating increased US involvement in the IGAD peace process, Danforth seemed to recognize this shortcoming as it applied to implementing the cease fire. Danforth noted that 'previous agreements did not provide for international involvement and often collapsed because of the intense distrust of the parties who could not monitor compliance and verify implementation. Our proposals were designed to avoid this failure.'[289] The Civilian Protection Monitoring Team was established in September 2002 to ensure cease fires were upheld and atrocities against the civilian population were reported.[290]

Ultimately, the final contribution of international actors to the Comprehensive Peace Agreement was a maneuver by Sumbeiywo and Danforth to put pressure on the two

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[285] Rajab, "Naivasha Peace Agreement: Analysis and Evaluation Part II," 13.
[286] "Sudan Report." *News From Africa.* 15 May 2003 - 14 June 2003
[287] Walter, "The Critical Barrier to Civil War Settlement," 356.
[288] Walter, "The Critical Barrier to Civil War Settlement," 358. 'Military stalemate proved the only variable other than security guarantees that helped predict successful outcome in cases where negotiation occurred.' Stephen John Stedman. "Spoiler Problems in Peace Processes." *International Security* 22:2 (Autumn 1997), 6. Stedman concurs that 'the crucial difference between the success and failure of spoiliers is the role played by international actors as custodians of peace'.
[289] Danforth, "Report to the President of the United States on the Outlook for Peace in Sudan," 6.
[290] Kevane, "Sudan: 2001-2002," 11. The CPMT was funded by the US government, but consisted of private contractors independent of Washington or either of the warring parties.

parties to finalize the outstanding modules of implementation, declare a final cease fire, and sign the comprehensive treaty. By November 2004, the talks had stalled over these issues. To break the impasse, Sumbeiywo contacted John Danforth, now US Ambassador to the UN and chair of the Security Council. The former special envoy to Sudan organized a convening of the Security Council in Nairobi on 18-19 November 2004 in order to encourage the parties to conclude the talks.[291] Sumbeiywo was able to use the imminent arrival of the UN Security Council to coax the parties to agree to sign the documents necessary to conclude the peace process.

COERCION AND EXPERTISE IN MEDIATION

In her essay supporting non-state conflict mediation over efforts made by state actors, Nathan writes that multi-national bodies are less than ideal mediators because when peace efforts 'are subject to decision-making by member states, the organizations function less as unified corporate actors than as diplomatic arenas in which the conflict plays out in adversarial faction... In addition, disparate interests within the mediating body can be exploited by the parties and exacerbate the conflict.'[292] However, the IGAD process demonstrates that rather than member states competing with each other and therefore disrupting the process, the opposite can occur: a well coordinated peace initiative, which seeks to include a wide number of actors both regionally and internationally in limited roles, will have enhanced legitimacy to conduct a peace process. In addition, the endorsement of participating states in the peace process makes it more difficult for insincere parties to the conflict to seek other forums for mediation, the 'forum-shopping' dilemma. However, this seems to be a more likely phenomenon to occur in regional organizations rather than larger ones such as the UN, in which participation in the organization by no means assumes endorsement of each initiative undertaken by that body.

Nathan submits that coercive measures taken against an intra-state warring party are

[291] Waihenya, *The Mediator*, 135-136. Barltrop, interview. Barltrop notes the stalling which had come to define the peace process by 2004, an atmosphere in which many participants and observers felt the agreement was on the verge of conclusion. However, he believes that without the intervention of the Security Council to advocate a final resolution, the negotiations would have gone on much longer.

[292] Laurie Nathan. "When Push Comes To Shove: The failure of international mediation in African Civil Wars." *Track Two* 8:2 (November 1999), 5.

likely to make that party 'insecure, and therefore even more radical. Hardline leaders may be able to improve their position and weaken that of moderates.[293] However, in a negotiated settlement, which typically requires significant concessions from both sides, this is an existing risk anyway. Nathan's near absolute rejection of the use of coercion in mediation presupposes the good faith of both parties, and overlooks the ability of a mediator to work in concert with actors willing to apply pressure to one or both parties in order to advance dialogue. A key example is Lazaro Sumbeiywo's ability to coordinate the activity of the United States, a country whose congress had been pressuring the president to become more assertively involved in the process, cutting aid to Khartoum if it felt the regime was being insincere regarding its commitment to peace. This initial pressure nevertheless resulted in an agreement concluded in a large part between elites of either side, negotiating with almost no mediation at all.

Nathan considers the initial failure of the Bashir regime to accept the 1994 Declaration of Principles to be an example of a non-neutral organization (IGAD) attempting to force the direction of the negotiations, to counterproductive affect. She cites a Kenyan diplomat familiar with the process as stating that IGAD should have circulated a draft of the paper for discussion, rather than making a declaration including elements such as the right to self-determination to the south.[294] This analysis assumes good faith on Khartoum's part and does not address the fact that by 1997, under increased military pressure from regional states and the US, Khartoum did consent to the Declaration of Principles, an event which would appear to undermine her argument about the value of coercion. Nathan dismisses IGAD efforts in the 1990s as 'partisan', but does not note that Khartoum accepted the IGAD mediation forum because it assumed its regional neighbors would be sympathetic to its objectives.[295]

Nathan allows that 'punitive action against those responsible for oppression and atrocities is not intrinsically inappropriate... rather... where it is deemed necessary, it

[293] Nathan, "When Push Comes To Shove: The failure of international mediation in African Civil Wars," 17.
[294] Nathan, "When Push Comes To Shove: The failure of international mediation in African Civil Wars," 10.
[295] Nathan, "When Push Comes To Shove: The failure of international mediation in African Civil Wars," 16.

should be applied by some agency other than the active or prospective mediator.'[296] However, if such punitive action is taken in coordination with the mediator, it is effectively an endorsement by the mediator of the agency's legitimacy, if not of its every action. Action that is not coordinated with the mediator is essentially a liability, since it has the potential to disrupt mediation efforts. In addition, the dilemma is raised of whether action should be taken against 'oppression and atrocities' if that action disrupts mediation efforts. The question remains unanswered as to as to why punitive action should be taken against parties committing 'oppression and atrocities' but not against parties which are negotiating in bad faith. After all, it is the latter practice which blocks progress in peace settlements, thereby allowing oppression and atrocities to continue. Nathan's assertion raises more complex questions than it answers.

Nathan makes the generalization that states and multinational bodies prove ineffective mediators because they 'do not view international mediation as a specialised enterprise.'[297] Nathan concedes that heads of state might have inter-personal skills and access to 'carrots', but that they would be even more effective if they 'were proficient in mediation techniques'.[298] The notion that mediation techniques improve mediation skills, however, is not a controversial one. In fact, it seems to contradict an earlier point of Nathan's: the WWCC/ACC, which mediated the AAA, was a religious organization not composed of professional mediators. They understood Sudan very well, but were not well-versed in mediating civil conflicts. In addition, Nathan overlooks attributes of legitimacy which may be associated with state actors as opposed to neutral professional mediators: in Sudan's case, the mediator was a high-ranking former Kenyan general whose authority was accepted, sometimes grudgingly, by both parties' leaders.[299] Sumbeiywo retained this legitimacy as a mediator even though he lacked formal experience in conflict resolution.

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[296] Nathan, "When Push Comes To Shove: The failure of international mediation in African Civil Wars," 12.
[297] Nathan, "When Push Comes To Shove: The failure of international mediation in African Civil Wars," 13.
[298] Nathan, "When Push Comes To Shove: The failure of international mediation in African Civil Wars," 13.
[299] The fact that Bashir and Garang also came from a military background may have made Sumbeiywo's experience a bonus.

Nathan appears to argue that 'external manipulation' also will not work because warring parties in civil conflicts are not rational actors and bent on destroying each other. 'A settlement is viewed as synonymous with defeat'.[300] This assumption rejects the premise that rebels might have limited demands (separation, regional autonomy, more political freedom, wealth or power sharing arrangements, for example) which warring states can be induced to grant with enough pressure from outside actors. In fact, impartial mediation, in concert with access to the sticks and carrots provided by state actors, uses all the tools available to mediators. It would be easy for these two assets to clash, but they can also complement each other. In most circumstances therefore, mediators should attempt to retain neutrality, but not at the expense of a broad and well-organized coalition of states which support mediation efforts.

Lake and Rothchild provide a series of instances in which coercive diplomacy worked and did not work, and established a theory that 'if external powers are going to intervene in ethnic conflicts, either alone or in concert with others, they must do so in a way that is credible to the groups involved.'[301] This appears to be a sounder theory than that which shuns coercion outright. The US and other Western states made clear to both parties during the IGAD process what its priorities were. None of these states were openly working in the interest of either party, but the US had in the past supported the SPLA, and stressed coercive measures to be implemented against the regime in the form of sanctions. Despite the US's obvious history of favoritism to the insurgents, its newfound consistency in policy towards Sudan and its support of the IGAD mediation process prevented Khartoum from continuing its forum-shopping endeavors, by which it could turn to the kind of disinterested mediation Nathan supports with no intention of actually agreeing to a deal.

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[300] Nathan, "When Push Comes To Shove: The failure of international mediation in African Civil Wars," 16.
[301] David A. Lake and Donald Rothchild. "Containing Fear: The Origins and Management of Ethnic Conflict." *International Security* 21:2 (1996), 69-70.

CONCLUSION

Sudanese conflicts do not adhere easily to consistent theory about conflict resolution. The size of Sudan and the inability of southern rebels to take the capital by force means that insurgencies have continued regardless of any change of regimes in Khartoum. The state is so unintegrated that many models of conflict resolution simply do not seem applicable. Conflicts have continued under both parliamentary and authoritarian regimes. They have been fought when the south was considered a financial drain and when it was considered a bounty of natural wealth. They have been fought as both national revolutionary and separatist wars. Ideologically, southern insurgencies have been fought by both leftists and ardent anti-communists, and under both Equatorian and Nilotic leadership.

One consistency in both wars was the prominent role given to the definition and preservation of cultural identity. While cultural identity may itself be mutable, in the post-colonial world it is often the most intractable of issues to fight over. Unlike ideological conflicts, conflicts over identity, especially separatist conflicts, are often existential, and not resolvable via formal mediation or outright conquest.[1] Such conflicts can heighten awareness of identity in individuals who had not previously felt ethnic, religious or factional insecurity: that is, how they perceive themselves and how they feel others perceive them. These conflicts are often more difficult to reconcile than contests over natural resources or power-sharing arrangements. Conflicts of identity ultimately become violent when members of a group believe that the assertion of another group's identity threatens its own.

Accordingly, agreements could only be reached between the parties when one side had dropped its nationalist vision for Sudan. The AAA was drafted while the SSLM insurgency had adopted the machinery of a nationalist movement, but had yet to

[1] Roy Licklider. "Obstacles to Peace Settlements." *Turbulent Peace: The Challenges of Managing International Conflict.* Eds. Crocker, Chester A., Fen Osler Hampson and Pamela Aall. Washington DC: United States Institute of Peace Press, 2003, 698. Harold H. Saunders, "Prenegotiation and Circum-negotiation: Arenas of the Multilevel Peace Process." *Turbulent Peace: The Challenges of Managing International Conflict.* Eds. Crocker, Chester A., Fen Osler Hampson and Pamela Aall. Washington DC: United States Institute of Peace Press, 2003, 484.

become so ideologically rigid that it could not agree to significant concessions concerning that goal. The CPA was adopted when the Bashir junta had dropped its pretences at nationalism and became willing to at least officially allow secession for the southern part of the state. The constant tactical alliances made by both parties in the second war had different results. In the case of the insurgent SPLM/A, it allowed the formation of partnerships with other groups and the opportunity to become a truly nationalist movement, an opportunity that receded due to the inability of the insurgency to overthrow the Bashir regime. On the other hand, Khartoum's coalitions were not only less inclusive than the SPLM/A's but locked the government into compromises and precedents such as self-determination and sharing of oil revenue.

Although the war became a complex political web, no coalition or ideology was able to mask the north/south schism which rested at its core. This was true even though the insurgency in the second war was ostensibly committed to national revolution across Sudan. As Douglas Johnson writes, 'the debate within the SPLM/A over whether the South is best served by restructuring the whole country, or by separating from the rest of the Sudan, is still a debate about how best to defend the South.'[2] This is in part because the south has never been fully integrated into the synthesis of Sudan's national identity, the dominant cause of both civil wars. This problem has been dealt with in two opposite ways by the agreements: the significance of the AAA is that it ended a war by seeking to *resolve* the conflicts in Sudan's national identity. The CPA ended a conflict by seeking to *more clearly define* the differences in Sudanese identity.[3] With the CPA, the principle of southern uniqueness has evolved since independence from a preference for federalism to regional autonomy to self-determination and possible secession. Yet as the potential outcome becomes more drastic, the rhetoric becomes more accommodating, with concessions made to federal

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[2] Douglas H. Johnson. "The Sudan People's Liberation Army and the Problem of Factionalism." *African Guerrillas.* Ed. Christopher Clapham. Oxford: James Currey Ltd, 1998, 71.

[3] Lobban and Ibrahim concur with this conclusion. Lobban, interview. 'The more they struggle for unity, the more division takes place because there is not a common charter or identity shared across a large space.... The ultimate goal of the AAA was to put the country together again. The ultimate objective of the CPA is to allow for the country to become two. One is a mediation of two spouses to get them married again, the other is a trial separation which could lead to divorce.' Ibrahim, interview. 'If you look at both agreements, the first was to unify, the second is to disintegrate the country.'

democracy and individual and group rights in the CPA which were not present in the earlier agreement.

The decades of war have first exaggerated, then hardened the divisions between northerners and southerners over the issue of national identity. The first war was directly related to grievances southerners felt over economic opportunities and cultural insecurity. The second war concerned similar problems, but in the context of a more aggressively radical reinterpretation of national identity on both sides of the conflict. Yet the years of war have conglomerated neither north nor south Sudan into more cohesive national units individually. Southerners have sought regional solidarity with each other throughout the history of independent Sudan, as evidenced by political parties such as the Southern Front and the AAA compromise of a Southern Region, but deep ethnic differences remain, and may be as severe as they were at independence. The northern identity may be even more fractured, as uprisings throughout the state in the 1990s and 2000s demonstrate, and as exemplified by the NDA alliance with the southern insurgency against an Arab Muslim government. Indeed, the Bashir regime also relies on Arabist discrimination, as demonstrated in its conflict in Darfur. However, it is the Islamist component which is most rejected in the south, as opposed to the first war when it was the Arab identity, with Islam as an identifier, that was most resented.

By the early 1970s, southern identity was so inchoate that the AAA was able to address its concerns simply by promising to protect indigenous culture and allowing southerners more autonomy and access to central power. The agreement provided some benefits to marginalized southern elites without weakening the position of the national government domestically or abroad. To the degree that Khartoum did not fulfill its promises, particularly in the area of employment (primarily army positions), militancy continued against the central government in the form of a continued low-level insurgent campaign and mutinies at southern garrisons throughout the 1970s.

By 1972, what southerners really sought was for northerners *en masse* to leave them alone. They did not want interference from the northern army, or to be forced into

the assimilation of northern culture and language. Significantly, southerners fought for the right to determine the nature of education in their region, and the freedom to pursue more of it nationally and internationally. These cultural freedoms were the real gains of the AAA, not the democratic institutions which, as the peaceful interim between wars continued, so often foundered along tribal lines. Education, as a result, led to not so much a rejection of the southern identity as a desire to transcend it, a theme that would carry on in the next insurgent movement.

However, the lesson of Sudanese conflict resolution is not that southerners do not appreciate formal democratic institutions, but that they do not see them as imperative to protecting southern culture from national interference. To the degree southerners have fought for democracy, it appears to be as a conduit for cultural preservation. It must be remembered that some of the elements which compose southern Sudan, and have done so for years before even independence, are not easily conducive to modern democratic institutions. Some of the currents of tribalism in the south were antithetical to the purely democratic arrangements a nationalist cause might fight for: southerners might not have wanted to be dominated by the north, but neither did the Shilluk, Nuer, or Equatorian peoples wish to be dominated by the more populous Dinka.

John Garang's movement was by almost any standard a more formidable insurgent movement than the Anya Nya. It was the result of an all-encompassing Sudanese nationalism, yet it was also unable to achieve its objectives. Even a concept as egalitarian as the SPLM/A's 'New Sudan', which had broad support among even northern Sudanese opposition, was compromised to the point where it was made obsolete by the CPA. Under the IGAD mediation process, the SPLM/A was forced to abandon large parts of its vision and instead debate the highly charged issue of self-determination for the south, which was a significant change of agenda for the group.[4] Garang, unlike Lagu, had been a politically experienced and engaged actor, advocating radical measures to address the economic and political imbalance across

[4] Lobban, interview. 'Southern nationalism existed in a prototype before independence. Anya Nya wanted separation and had a democratic secular approach. Garang and the SPLA wanted a unitary pan-Sudanese government to rival the Islamists. So there are multiple agendas that in some way intersect and some ways contradict.'

Sudan. Nevertheless, like Lagu he was compelled to settle for a power-sharing arrangement with himself representing the south and the government as a dominant partner, if not a client of, Bashir.

The internal political dynamics of Sudan's attempts at conflict resolution have also been defined by the difficulty actors have in challenging the patronage state, the tendency towards exclusivist coalitions, and the destruction of institutions which make broad-reaching, multilateral peace agreements possible. This inter-feeding troika of conditions has existed throughout Sudan's history regardless of natural wealth, ethnic composition and dominating visions of national identity, or engagement with international actors.

Sudan's inability to form an integrated state has caused it to diverge somewhat from Levy's theory of exclusivist coalitions under authoritarian regimes: In Sudan, the patronage dynamic has actually continued under parliamentary regimes, which have also proved unable to sustain broad-based coalitions. This explains the increased reliance on lightly armed militias raised in remote areas of the state to fight the war, even under ostensibly democratic regimes such as Sadiq Al-Mahdi's government of the 1980s. It also explains the neglect of civil society, and its corresponding set of institutions vital to popular democracy but not as significant to patronage networks in addition to perpetuating patronage politics. Parliamentary governments were forced to be more transparent in their transition of coalitions, and therefore left themselves vulnerable to takeovers such that of 1989.

The need for various regimes to form exclusive coalitions to retain power has led to an emphasis on the oversize personalities of individual elites. Sadiq Al-Mahdi, Hassan Al-Turabi, Jaafar Nimeiri and John Garang all left their imprint on the state through their attempts at exclusive deal-making. SPLA splinter factions were similarly personality-based. The inability of Sudanese elites to agree on a way to integrate the state has resulted in an increased reliance on the patronage politics of a handful of individuals, nearly the only constant in the history of the administration of post-independence Sudan. The focus on individual personalities is especially notable

in the first war, where the ideological differences were less pronounced. There are parallels to the way the two military leaders emerged in the first war. Nimeiri crushed rightist and leftist challenges, but was still feeling vulnerable and needed to consolidate a base. Lagu was able to extend his control over the various political and military factions that composed the southern insurgency, but recognized the need to make peace quickly because of the changing international climate. However, while both leaders had internal and external pressures, it is very likely that what made the Addis Ababa Agreement work was that neither side felt constrained by a constituency. Nimeiri prevented any attempt to mobilize against the settlement from the north and Lagu, by virtue of being in command of the broadest part of the insurgency, was able to wean control away from his potential rivals.

Similarly, inducting enemies into exclusive coalitions is really the only form of political compromise the NIF regime had known by the time of the IGAD peace process. Consequently, the junta has struck an exclusive partnership with every faction in the country, beginning with Islamist-military coalition which formed the regime in 1989 and continuing on until the coalition with the SPLM/A in 2005. The NIF regime's most significant success in tactical manipulation was that it created enough of a rift in the SPLA to dilute the insurgent movement's uncompromising goal of national revolution. It further was able to lure away temporary SPLM/A allies such as Umma, making an already weak northern opposition even weaker and exacerbating the north/south divide in Sudan. The ease with which Khartoum was able to pull some factions of the NDA into its fold compromised the effectiveness of that opposition movement, and gave both parties to the CPA reason to sideline it. The decision to avoid being inducted into the neo-patrimonial system as a subservient client of the national government was perhaps the only ideological consistency of the SPLM/A, and what makes the CPA a singular agreement in Sudanese history.

The tactical, asymmetrical partnerships which have defined Sudan's history have limited the ability of parties to seek peace with outside factions. As Nimeiri had attempted to do with his unwieldy coalition of southerners, Islamists and the military, Bashir sought to keep sectarians, militias, and Islamic financiers all reliant on him

personally, primarily through largesse. However, he was not able to make peace with NDA members such as Umma leader Sadiq Al-Mahdi until his coalition with Turabi collapsed. Neither he nor Nimeiri could reach a peace agreement with the dominant southern insurgency group until their regimes had ended the coalition with radicals which they had until then relied upon to maintain their positions of power.

The center-periphery patronage system in Sudan is constantly working against inclusive nationalist ideologies and national institutions: those which come to be in opposition to the patronage system are eventually compromised, co-opted, or simply destroyed. This pattern is apparent not only when analyzing the underpinnings of political agreements, but even when examining the integrity of such institutions as vital to the state as the army and the banking system. This phenomenon, coupled with the need to re-orientate state institutions to serve the purposes of whichever exclusivist coalition is currently in operation, demonstrate a trend towards shallow institutions in Sudan which can easily be challenged by force or coercion. Most importantly, it has also buttressed southern demands during the Naivasha process for independent institutions not as easily compromised by Khartoum.

In both the CPA and AAA, issues of identity were paramount. Only once they had been resolved could the parties turn to security matters and the division of wealth. The importance which southerners have placed on taking control of their own security has grown proportionate to Khartoum's willingness to compromise the unity of the Sudanese army. This process began with the AAA, which marks the first compromise of the military as it allowed insurgents who had been former enemies to be integrated within it. The process continued with Nimeiri's building up of the security services in the late 1970s, creating a rival to the military with regards to preserving state security. The reliance on various militias throughout the 1980s and 1990s continued the trend of outsourcing the military's monopoly on violence.

As the post-nationalist NIF regime began to rely less on state institutions such as the military to fight the war, the southerners began to push for their own separate army in any peace agreement, a longstanding objective from the first civil war. The status of

the southern army, its right to defend southerners from state aggression, has been a continuous though little commented-upon theme of both wars and both treaties. It was not administrative intrusion from Khartoum or authoritarianism which started the hostilities of the second war, but the plan to remove southern troops from southern soil.

The 2003 Security Agreement, with its focus on two separate armies and a small amount of integrated units, was the SPLM/A's preferred model for most national institutions. Though it finally conceded the point, the government was less willing to agree to a similar arrangement for banking as an Islamist banking system was a priority of the Bashir regime. The NIF insisted on setting up a *Sharia*-dominant banking system primarily because Sharia was the regime's *raison d'être*, as preserving Islamic law was the reason for the regime's 1989 *coup* in the first place. In addition, control over the banking system was an effective weapon of the regime throughout then north. Islamic banks were simultaneously an instrument of patronage, a tool of economic power, and a key element of the Islamist identity. The Bashir regime used Islamic banks, tax cuts and other economic incentives to advance the war effort in the north. While it had few pretensions of nationalism by end of the war, it was vital that the regime retain its post-nationalist ideological core. Turabi's ejection from the regime ensured that Bashir cling even more tightly to fundamental Islamic principles, as he no longer had the legitimacy of the state's most renowned Islamist to prop up his regime.

The erosion of nationalist ideology by patronage state dynamics has a direct effect on the crafting of both treaties. Ultimately, the sheer exhaustion from war probably bore a large responsibility for concessions made by each side in both the 1972 and 2005 agreements. This is to be expected, since peace treaties are not concluded in a vacuum where parties can ignore the realities of war's slow destruction of prosperity and society in favor of discussing the relatively abstract concept of 'national identity'. It is not generally assumed that with the conclusion of a negotiated settlement in a civil war, two parties must necessarily commit to any broader united vision of a state's future. In fact, many peace treaties are implemented to buy time for peace, in

the hopes that deeper structural and ideological foundations can grow after the parties involved have tasted the prosperity and security peace presumably provides.[5] What is significant is the slight degree to which the traditional respective versions of national identity have been represented in the conclusion of these peace treaties, even in the fervent ideological climate of the second civil war. This analysis seems to support the conclusions not only that Sudan is a difficult state for the state to physically control in its entirety, but also that there is no synthesis of national identity to accommodate the cultural and religious schisms in the state. Peter Woodward describes how, in the period following the Naivasha process, Sudanese he encountered focus increasingly on the concerns of their specific region than the wellbeing of the state as a whole. They often cite the Bashir regime itself as highlighting these differences, in contrast to the nationalist movements of the 1960s.[6] Given the brutality of these two civil wars, it is likely that attempting to create such an identity now would be an even more difficult task than it would have been at independence.

Economic incentive has also played a role in Sudan's attempts at conflict resolution. Peace in both conflicts did not come primarily from trust between parties that their objectives could be met through cooperation but because of the futility of their war efforts. In the first war, the regime could not meet its national economic objectives with a large amount of each annual budget devoted to military expenditures. In the second conflict, a significant amount of Khartoum's economic priorities were focused on the south or disputed areas along the north-south border. Hence, the north in both wars faced some economic incentive to end hostilities. On the other hand, southern rebels, separatists and national revolutionaries alike were nowhere near achieving their objectives in either peace agreement. Southerners in the second war particularly settled for peace not because it was potentially lucrative, but because the cost of fighting was becoming prohibitive. This was primarily a consequence of the

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[5] Roy Licklider. "Obstacles to Peace Settlements." *Turbulent Peace: The Challenges of Managing International Conflict.* Eds. Crocker, Chester A., Fen Osler Hampson and Pamela Aall. Washington DC: United States Institute of Peace Press, 2003, 713. 'A successful settlement is precisely one that makes its own issues less relevant and thus makes itself obsolete. Thus there is a paradox: a civil war settlement must seem permanent but in fact should probably be temporary.'

[6] Woodward, interview.

government's growing oil wealth, which it used to stabilize itself while continuing the war.

Sudan may lack the oil reserves to evolve into a true rentier state, but it has been able to integrate the oil economy into the patronage politics which define the political economy. Southern wealth, however, has not fundamentally changed priorities for either the government or the rebels in the second war. It simply adds another lens through which to view an already intricate conflict.

Sudan's poor integration as a state defies the Collier-Hoeffler model and greed/grievance dichotomies generally. The diverse, tribal nature of the south has not allowed the region to seek a common opportunist goal of seceding in order to more exclusively enjoy economic resources, as according to the Collier-Hoeffler model. Southern rebel groups have animosities and tactical alliances which cannot be explained broadly by any single economic-rationalist model, but by deeper concerns about security and culture. While this is not to suggest that Khartoum is unable to use natural wealth to retain power or exploit divisions among insurgents, such models do not strike at the heart of the rebellion and insurgency.

Oil wealth in the second war changed tactics of the insurgency, but not the ultimate objective. A lack of oil wealth in the first war allowed greater trust among parties, as demonstrated by a comparison with the cease fire process in the second war. In that conflict, the southern tactic of negotiating without implementing a cease fire was primarily a tool by which to keep the government from profiting from oil wealth: not simply because southerners felt the oil was rightfully theirs, but, more urgently, because they knew that Khartoum would use that wealth to buy more advanced weaponry with which to prosecute the war. The promise of increased oil revenues drove the government to sustain the war effort throughout the 1990s, even as it was straining the financial seams of the state.

Though the SPLM took precautions in the wealth-sharing agreement to keep Khartoum from siphoning off all of the south's resources, it seems clear that

benefiting from oil wealth was not the movement's top priority. Instead, the primary southern concern was that oil issues not pose an excuse for central control of the southern region, nor that extracting resources from the earth pose problems for the local populations in the oil areas. As with water during the post-AAA period of Jonglei canal construction, the primary interest of southerners seems to be as much about controlling the development surrounding resources as it was about controlling resources themselves. As a result, the SPLM in the Naivasha process could leave ownership of underground wealth unresolved as long as they received an agreed amount of revenue. They would not make similar compromises on surface land rights however, since that might mean an inability to contain development implemented in part by oil production. Southern Sudan's lack of infrastructure and remoteness prohibit insurgents in the region from significantly profiting even from the few resources they had easy access to, such as timber.

In negotiations, the SPLM faced a difficult task as it sought to protect the interests of its southern base as well as those of the contested areas of Abyei, the Nuba Mountains and South Blue Nile. Areas that would later be contested because of their oil wealth, such as Abyei, had been beset by intractable problems of identity even before such wealth made them even more prominent. This also contradicts economic determinist theories of predation arising independently from cultural and ethnic grievances.

While the nature of Sudanese identity was at the heart of both treaties, its significance may have been disguised by the heavy international involvement of the second agreement. In contrast to the 1970s, when the Organization of African Unity discouraged its members from becoming too deeply involved in each other's internal affairs, by the 1990s regional organizations such as IGAD were often the first multilateral bodies to become involved in conflict resolution. The organization did not have the powers of coercion to force a peace agreement during the 1990s, but was able to lay groundwork such as the 1994 Declaration of Principles that could be built upon as the forum received increased international support in the new century. The Bashir regime's retreat from nationalism actually allowed even more foreign

influence within Sudan. The regime's constant forum-shopping and destabilization of the region widened the circle of involvement in its civil war to the point where Khartoum was unable to impede the introduction of issues such as self-determination. The Nimeiri regime, which still retained Sudan's early post-colonial insecurity about international involvement in Sudanese affairs, was better able to control the process.

Gradually international actors became involved in all aspects of monitoring and implementation of the CPA, including the US. The incompatibility of nationalist versus post-nationalist objectives and the refusal of the SPLM/A to be made a patron in the traditional sense of militias meant the warring parties had simply exhausted the trust necessary to implement that agreement free of outside influence, in no small part because of the collapse of the AAA, an agreement which had not relied as heavily on international guarantees. As war took its toll on the Sudanese population, international aid would also become a conduit to conflict mediation. In both agreements, outside mediators became involved in conflict resolution nationally after initially pursuing more modest humanitarian objectives, as demonstrated by the early contributions of the World Council of Churches and John Danforth via his work in the Nuba Mountains.

The inclusion of a variety of international actors can complicate the goals and methods of conflict resolution. Outside actors sometimes do not understand issues at stake, or merely seek to advance their own interests. In the case of the AAA, Ethiopia's interests were similar enough to Sudan's that this posed no threat to an agreement. With each new tier of mediators in the IGAD process, however, there were new opportunities for confusion. The IGAD forum was able to avoid distraction by issues of primary concern to outside parties, such as terrorism or natural resources, by restoring focus in 2001 to the overriding goal of ending the war. The increased focus on Kenya as the dominant mediation authority also lent clarity to the process.

As IGAD grew from a regional to an international concert, outside actors in the IGAD process were often focused on security and resource concerns, sometimes without a clear understanding of the deeper conflicts within the state. The

complicated system of compromises and power-sharing which make up the CPA is not just a result of the wariness of the two parties towards each other and their opposing interests concerning resources and ideology: it is a testament to the fundamental difficulties of a peace process dominated by the interests and offices of external actors. Outside actors have contributed to the peace process by providing institutions, mediation, good offices, donor support, and sometimes by resorting to pressure and coercion.[7] However, such actors are not equipped to foster an integrated national identity, or even to create viable domestic institutions by which an enduring peace can be achieved. As a result, the legitimacy of agreements was in danger of being compromised not only by an internal lack of viable institutions, but by an unbalanced amount of outside involvement.

An example of the potential disharmony which international involvement can cause is the tension between the Egyptian-Libyan Joint Initiative and the IGAD peace process during the early 2000s. Both emphasized different priorities which each of the parties placed value on. Self-determination had become for many southerners the ultimate contribution an agreement could make to southern identity, and the contest between Egyptian initiative and the IGAD forum demonstrated the differences southern and northern dissidents have concerning its importance. Significantly, Khartoum agreed to back away from the ELJI in favor of the ongoing Naivasha process. Such an Arab-led proposal might have carried more weight under a democratic government or a more nationalist dictatorship, but it did not with the Bashir junta, which was neither. Neither did the IGAD call for southern self-determination stop the regime from backing the process.

The AAA and the CPA chart an evolution of Sudan's retreat from forming an integrated state. The AAA was a nationalist project which could not withstand the strain of the patronage dynamics of the state. The need for the regime to preserve its own survival demanded subsequent exclusive coalitions which prevented any inclusive nationalist identity from being built in the years of peace during the 1970s

[7] Licklider, "Obstacles to Peace Settlements," 714. Karin von Hippel has determined five sectors in which international actors can operate: donor governments, militaries, multilateral organizations, the private sector, and non-governmental organizations. Each of these communities has been involved in Sudan's conflict in some capacity.

and 1980s. The parliamentary governments were unable to halt this dynamic. The CPA, as a result of internal and external pressures placed on the government, in addition to the government's own incentives for survival and the continuation of a diminished Islamic project, has challenged both the attempts at a Sudanese nationalist project and the patronage state as it has existed nationally in Sudan. The SPLM/A has compromised its nationalist agenda thoroughly by fighting for and achieving its own sanctioned standing army in the region and the right to southern self-determination.

APPENDIX I: MAP OF SUDAN

Map No. 3707 Rev. 13 UNITED NATIONS
April 2007

Department of Peacekeeping Operations
Cartographic Section

APPENDIX II: ABBREVIATIONS AND ACRONYMS

CPMT – Civilian Protection and Monitoring Team
DUP – Democratic Unionist Party
ELJI – Egyptian Libyan Joint Initiative
GOS – Government of Sudan
GOSS – Government of South Sudan
HEC – High Executive Council
IGADD/IGAD – Intergovernmental Authority on Drought and Desertification/Intergovernmental Authority on Development
NCP – National Congress Party
NDA – National Democratic Alliance
NIF – National Islamic Front
NUP – National Unionist Party
OAU – Organization of African Unity
PDF – Popular Defense Force
PCP – Popular Congress Party
SANU – Sudan African National Union
SPLA/M – Sudan People's Liberation Army/Movement
SSDF – South Sudan Defense Force
SSLM – Southern Sudan Liberation Movement
SSU – Sudan Socialist Union
TMC – Transitional Military Council
WCC/AACC – World Council of Churches/All Africa Council of Churches

APPENDIX III: THE ADDIS ABABA AGREEMENT ON THE PROBLEM OF SOUTHERN SUDAN

DRAFT ORGANIC LAW TO ORGANIZE REGIONAL SELF GOVERNMENT IN THE SOUTHERN PROVINCES OF THE DEMOCRATIC REPUBLIC OF SUDAN

CHAPTER I

In accordance with the provisions of the Constitution of the Democratic Republic of the Sudan and in realization of the memorable May Revolution Declaration of June 9th, 1969, granting the Southern Provinces of the Sudan Regional Self-Government within a united socialist Sudan, and in accordance with the principle of the May Revolution that the Sudanese people participate actively in and supervise the decentralized system of the government of their country.

It is hereunder enacted:

Article 1:
This law shall be called the law for Regional Self Government in the Southern Provinces. It shall be called the law for Regional Self Government in the Southern Provinces. It shall come into force on a date within a period not exceeding thirty days from the date of the Addis Ababa Agreement.

Article 2: This law shall be issued as an organic law which cannot be amended except by a three-quarters majority of the People's National Assembly and confirmed by two-thirds majority in a referendum held in the three Southern Provinces of the Sudan.

CHAPTER II

DEFINITIONS

Article 3:

i) Constitution refers to the Republican Order No. 5 or any basic law replacing or amending it.
ii) "President" means the President of the Democratic Republic of the Sudan.
iii) "Southern Provinces of the Sudan" means the Provinces of Bahr El Ghazal, Equatoria and Upper Nile in accordance with their boundaries as they stood on January 1st, 1956, and any other areas that were culturally and geographically a part of the Southern complex as may be decided by a referendum.
iv) "Peoples Regional Assembly" refers to the legislative body for the Southern Region of the Sudan.
v) "High Executive Council" refers to the Executive Council appointed by the President on the recommendation of the President of the High Executive Council and such body shall supervise the administration and direct public affairs in the Southern Region of the Sudan.
vi) "President of the High Executive Council" refers to the person appointed by the President on the recommendation of the Peoples Regional Assembly to lead and supervise the executive organs responsible for the administration of the Southern Provinces.
vii) "Peoples National Assembly" refers to the National Legislative Assembly representing the people of the Sudan in accordance with the constitution.
viii) "Sudanese" refers to any Sudanese citizens as defined by the Sudanese Nationality Act, 1957, and any amendments thereof.

CHAPTER III

Article 4:
The Provinces of Bahr El Ghazal, Equatoria and Upper Nile as defined in Article 3 (iii) shall constitute a self-governing Region with the Democratic Republic of the Sudan and shall be known as the Southern Region.

Article 5:
The Southern Region shall have legislative and executive organs, the functions and powers of which are defined by this law.

Article 6:
Arabic shall be the official language for the Sudan, and English the principle language for the Southern Region without prejudice to the use of any other language or languages which may serve a practical necessity or the efficient and expeditious discharge of executive and administrative functions of the Region.

CHAPTER IV

Article 7:
Neither the Peoples Regional Assembly nor the High Executive Council shall legislate or exercise any powers on matters of national nature which are:

i) National Defense.
ii) External Affairs.
iii) Currency and Coinage.
iv) Air and Inter Regional River Transport.
v) Communications and Telecommunications.
vi) Customs and Foreign Trade except for border trade and certain commodities which the Regional Government may specify with the approval of the Central Government.
vii) Nationality and Immigration. (Emigration).
viii) Planning for Economic and Social Development.
ix) Educational Planning.
x) Public Audit.

CHAPTER V

LEGISLATURE

Article 8:
Regional Legislation in the Southern Region is exercised by a Peoples Regional Assembly elected by Sudanese Citizens resident in the Southern Region. The constitution and conditions of membership of the Assembly shall be determined by law.

Article 9:
Members of the Peoples Regional Assembly shall be elected by direct secret ballot.

Article 10:

i) For the First Assembly the President may appoint additional members to the People Regional Assembly where conditions for elections are not conducive to such elections as stipulated in Article 9, provided that such appointed members shall not exceed one quarter of the Assembly.

ii) The Peoples Regional Assembly shall regulate the conduct of its business in accordance with rules of procedures to be laid down by the said Assembly during its first sitting.
iii) The Peoples Regional Assembly shall elect one of its members as a speaker, provided that the first sitting shall be presided over by the Interim President of the High Executive Council.

Article 11:
The Peoples Regional Assembly shall legislate for the preservation of public order, internal security, efficient administration and the development of the Southern Region in cultural, economic and social fields and in particular in the following:

i) Promotion and utilization of Regional financial resources for the development and administration of the Southern Region.
ii) Organization of the machinery for Regional and Local Administration.
iii) Legislation on traditional law and custom within the framework of National Law.
iv) Establishment, maintenance and administration of prisons and reformatory institutions.
v) Establishment, maintenance and administration of Public Schools at all levels in accordance with National Plans for education and economic and social development.
vi) Promotion of local languages and cultures.
vii) Town and Village planning and the construction of roads in accordance with National Plans and programmes.
viii) Promotion of trade; establishment of local industries and markets; issue of traders' licences and formation of co-operative societies.
ix) Establishment, maintenance and administration of public hospitals.
x) Administration of environmental health services; maternity care; child welfare; supervision of markets; combat of epidemic diseases; training of medical assistants and rural midwives; establishment of health centers, dispensaries and dressing stations.
xi) Promotion of animal health; control of epidemics and improvement of animal production and trade.
xii) Promotion of tourism.
xiii) Establishment of zoological gardens, museums, organization of trade and cultural exhibitions.
xiv) Mining and quarrying without prejudice to the right of the Central Government in the event of the discovery of natural gas and minerals.
xv) Recruitment for, organization and administration of Police and Prison services in accordance with the national policy and standards.
xvi) Land use in accordance with national laws and plans.
xvii) Control and prevention of pests and plant diseases.
xviii) Development, utilization and protection of forests, crops and pastures in accordance with national laws.
xix) Promotion and encouragement of self-help programmes.
xx) All other matters delegated by the President or the Peoples National Assembly for legislation.

Article 12:
The Peoples National Assembly may call for facts and information concerning the conduct of administration in the Southern Region.

Article 13:

i) The Peoples Regional Assembly may, by a three-quarters majority and for specified reasons relating to public interest, request the National President to relieve the President or any member of the High Executive Council from office. The President shall accede to such request.
ii) In case of vacancy, relief or resignation of the President of the High Executive Council, the entire body shall be considered as having automatically resigned.

Article 14:
The Peoples Regional Assembly may, by a two-thirds majority, request the President to postpone the coming into force of any law which, in the view of the members, adversely affects the welfare and interests of the citizens of the Southern Region. The President may, if he thinks fit, accede to such request.

Article 15:

i) The Peoples Regional Assembly may, by a majority of its members, request the President to withdraw any bill presented to the Peoples National Assembly which, in their view, affects adversely the welfare, rights or interests of the citizens in the Southern Region, pending communication of the views of the Peoples Regional Assembly.
ii) If the President accedes to such request, the Peoples Regional Assembly shall present its view within fifteen days from the date of accession to the request.
iii) The President shall communicate any such views to the Peoples National Assembly together with his own observations if he deems necessary.

Article 16:
The Peoples National Assembly shall communicate all Bills and Acts to the Peoples Regional Assembly for their information. The Peoples Regional Assembly shall act similarly.

CHAPTER VI

THE EXECUTIVE

Article 17:
The Regional Executive Authority is vested in a High Executive Council which acts on behalf of the President.

Article 18:
The High Executive Council shall specify the duties of the various departments in the Southern Region provided that on matters relating to Central Government Agencies it shall act with the approval of the President.

Article 19:
The President of the High Executive Council shall be appointed and relieved of office by the President on the recommendation of the Peoples Regional Assembly.

Article 20:
The High Executive Council shall be composed of members appointed and relieved of office by the President on the recommendation of the President of the High Executive Council.

Article 21:
The President of the High Executive Council and its members are responsible to the President and to the Peoples Regional Assembly for the efficient administration in the Southern Region. They shall take an oath of office before the President.

Article 22:
The President and members of the High Executive Council may attend meetings of the Peoples Regional Assembly and participate in its deliberations without the right to vote, unless they are also members of the Peoples Regional Assembly.

CHAPTER VII

Article 23:
The President shall from time to time regulate the relationship between the High Executive Council and the central ministries.

Article 24:
The High Executive Council may initiate laws for the creation of a Regional Public Service. These laws shall specify the terms and conditions of service for the Regional Public Service.

CHAPTER VIII

FINANCE

Article 25:
The Peoples Regional Assembly may levy Regional duties and taxes in addition to National and Local duties and taxes. It may issue legislations and orders to guarantee the collection of all public monies at different levels.

Article 26:

a) The source of revenue of the Southern Region shall consist of the following:

i) Direct and indirect regional taxes.
ii) Contributions from Peoples Local Government Councils.
iii) Revenue from commercial, industrial and agricultural projects in the Region in accordance with the National Plan.
iv) Funds from the National Treasury for established services.
v) Funds voted by the National Assembly in accordance with the requirements of the Region.
vi) The Special Development Budget for the South as presented by the Peoples Regional Assembly for the acceleration of economic and social advancement of the Southern Region as envisaged in the declaration of June 9th, 1969.
vii) See Appendix B.
viii) Any other sources.

b) The Regional Executive Council shall prepare a budget to meet the expenditure of regional services, security, administration and development in accordance with National Plans and programmes, and shall submit it to the Peoples Regional Assembly for approval.

CHAPTER IX

Article 27:

i) Citizens of the Southern Region shall constitute a sizeable proportion of the Peoples Armed Forces in such reasonable numbers as will correspond to the population of the Region.
ii) The use of the Peoples Armed Forces within the Region and outside the framework of national defense shall be controlled by the President on the advice of the President of the High Executive Council.
iii) Temporary arrangements for the composition of units of the Peoples Armed Forces in the Southern Region are provided for in the Protocol on Interim Arrangements.

Article 28:
The President may veto any Bill which he deems contrary to the Provisions of the National Constitution, provided the Peoples Regional Assembly, after receiving the President's views, may reintroduce the Bill.

Article 29:
The President and members of the High Executive Council may initiate laws in the Peoples Regional Assembly.

Article 30:
Any member of the Peoples Regional Assembly may initiate any law provided that financial Bills shall not be presented without a sufficient notice to the President of the High Executive Council.

Article 31:
The Peoples Regional Assembly shall strive to consolidate the unity of the Sudan and respect the spirit of the National Constitution.

Article 32:
All citizens are guaranteed freedom of movement in and out of the Southern Region, provided restriction or prohibition of movement may be imposed on a named citizen or citizens solely on grounds of public health and order.

Article 33:

i) All citizens resident in the Southern Region are guaranteed equal opportunity of education, employment, commerce and the practice of any profession.
ii) No law may adversely affect the rights of citizens enumerated in the previous item on the basis of race, tribal origin, religion, place of birth, or sex.

Article 34:
Juba shall be the capital of the Southern Region, and the seat of the Regional Executive and Legislature.

APPENDIX A
FUNDAMENTAL RIGHTS AND FREEDOMS

The following should be guaranteed by the Constitution of the Democratic Republic of the Sudan

1. A Citizen should not be deprived of his citizenship.
2. Equality of citizens.

i) All citizens without distinction based on race, national origin, birth, language, sex, economic or social status, should have equal rights and duties before the law.
ii) All persons should be equal before the courts of law and should have the right to institute legal proceedings in order to remove any injustice or declare any right in an open court without delay prejudicing their interests.

3. Personal liberty.

i) Penal liability should be personal. Any kind of collective punishment should be prohibited.
ii) The accused should be presumed innocent until proven guilty.
iii) Retrospective Penal Legislation and punishment should be prohibited.
iv) The right of the accused to defend himself personally or through an agent should be guaranteed.
v) No person should be arrested, detained or imprisoned except in accordance with due process of law, and no person should remain in custody or detention for more than twenty-four hours without judicial order.
vi) No accused person should be subjected to inducement, intimidation or torture in order to extract evidence from him whether in his favor or against him or against any other person, and no humiliating punishment should be inflicted on any convicted person.

4. Freedom of religion and conscience.

i) Every person should enjoy freedom of religious opinion, conscience and the right to profess them publicly and privately and to establish religious institutions subject to reasonable limitations in favor of morality, health or public order as prescribed by law.

ii) Parents and guardians should be guaranteed the right to educate their children and those under their care in accordance wit their choice.
5. Protection of labor.
i) Forced and compulsory labor of any kind should be prohibited except when ordered for military or civil necessity or pursuant to penal punishment prescribed by law.
ii) The right to equal pay for equal work should be guaranteed.
6. Freedom of minorities to use their languages and develop their culture should be guaranteed.

APPENDIX B
DRAFT ORDINANCE ON ITEMS OF REVENUE AND GRUANTS IN-AID FOR THE SOUTHERN REGION

1. Profits accruing to the Central Government as a result of exporting products of the Southern Region.
2. Business Profit Tax of the Southern Region that are at present in the central list of the Ministry of Treasury.
3. Excise Duties on alcoholic beverages and spirits consumed in the Southern Region.
4. Profits on sugar consumed in the Southern Region.
5. Royalties on forest products of the Southern Region.
6. Royalties on leaf tobacco and cigarettes.
7. Taxation on property other than that provided in the Rates Ordinance.
8. Taxes and Rates on Central and Local Government Projects, (5% of net profits of factories, cooperative societies, agricultural enterprises and cinemas).
9. Revenue accruing from Central Government activities in the Southern Region provided the Region shall bear maintenance expenses, e.g. Post Office revenue, land sales, sale of forms and documents, stamp duties, and any other item to be specified from time to time.
10. Licenses other than those provided for in the Peoples Local Government Act, 1971.
11. Special Development tax to be paid by Residents in the Southern Region, the rate of which should be decided by the Peoples Regional Assembly.
12. Income Tax collected from officials and employees serving in the Southern Region both in the local and national civil services as well as in the Army, Police and Prisons, Judiciary, and Political establishment.
13. Corporation Tax on any factory and/or agricultural project established in the Region but not run by Regional Government, (5% of the initial cost).
14. Contributions from the Central Government for the encouragement of construction and development; for every agricultural project, industrial project and trading enterprise, (20% of the initial cost as assessed by the Central Government).
15. New Social Service Projects to be established by the Region or any of its Local Government units, and for which funds are allocated, shall receive grants from the National Treasury in the following manner:

    Educational institutions: 20% of expenses.
    Trunk and through Road and Bridges: 25% expenses.
    Relief and Social amenities: 15% expenses.
    Security: 15% expenses.
    Grants for Post Secondary and University education within the Sudan: 20% of grants; outside the Sudan: 30% of grants.
    Contribution for Research, Scientific Advancement, and Cultural activities: 25% of expenses.

AGREEMENT ON THE CEASE FIRE IN THE SOUTHERN REGION

Article 1:
This Agreement shall come into force on the date and time specified for the ratification of the Addis Ababa Agreement.

Article 2:
There will be an end to all military operations and to all armed action in the Southern Region from the time of cease fire.

Article 3:
All combat forces shall remain in the area under their control at the time of the cease fire.

Article 4:
Both parties agree to forbid any individual or collective acts of violence. Any underground activities contrary to public order shall cease.

Article 5;
Movements of individual members of both combat forces outside the areas under their control shall be allowed only if these individuals are unarmed and authorized by their respective authorities. The plans for stationing of troops from the National Army shall be such as to avoid any contact between them and the Southern Sudan Liberation Movement combat forces.

Article 6:
A Joint-Commission is hereby created for the implementation of all questions related to the cease fire including repatriation of refugees. The Joint-Commission shall include members from all the countries bordering on the Southern Region, as well as representatives of the International Committee of the Red Cross, World Council of Churches, All Africa Conference of Churches, and United Nations High Commissioner for Refugees.

Article 7:
The Joint-Commission shall propose all measures to be undertaken by both parties in dealing with all incidents after a full inquiry on the spot.

Article 8:
Each party shall be represented on the Joint-Commission by one senior military officer and a maximum of five other members.

Article 9:
The headquarters of the Joint-Commission shall be located in Juba with provincial branches in Juba, Malakal and Wau.

Article 10:
The Joint-Commission shall appoint local commissions in various centers of the Southern Region, composed of two members from each party.

PROTOCOLS ON INTERIM ARRANGEMENTS

CHAPTER I
INTERIM ADMINISTRATIVE ARRANGEMENTS: (POLITICAL, LOCAL GOVERNMENT AND CIVIL SERVICE)

Article 1:
The President of the Democratic Republic of the Sudan shall, in consultation with the South Sudan Liberation Movement (SSLM) and branches of the Sudan Socialist Union in the Southern Region, appoint the President and members of an Interim High Executive Council.

Article 2:
The Interim High Executive Council shall consist of the President and other members with portfolios in:

a) Finance and Economic Planning;
b) Education;
c) Information, Culture and Tourism;
d) Communications and Transport;
e) Agriculture, Animal Production and Fisheries;
f) Public Health;
g) Regional Administration (Local Government, Legal Affairs, Police and Prisons);
h) Housing, Public Works and Utilities;
i) Natural Resources and Rural Development;
j) Public Service and Labor;
k) Minerals and Industry, Trade and Supply.

Article 3:
The Interim High Executive Council shall, in accordance with national laws, establish a Regional Civil Service, subject to ratification by the Peoples Regional Assembly.

Article 4:
The President shall, in consultation with the Interim High Executive Council, determine the date for the election to the Peoples Regional Assembly, and the Interim High Executive Council shall make arrangements for the setting up of this Assembly.

Article 5:
In order to facilitate the placement in and appointment to both central and regional institutions, the South Sudan Liberation Movement shall compile and communicate lists of citizens of the Southern Region outside the Sudan in accordance with details to be supplied by the Ministry of Public Service and Administrative Reform.

Article 6:
The Interim High Executive Council and the Ministry of Public Service and Administrative Reform shall undertake to provide necessary financial allocations with effect from 1972-1973 Budget for such placements and appointments.

Article 7:
The Mandate of the Interim High Executive Council shall not exceed a period of 18 months.

CHAPTER II
TEMPORARY ARRANGEMENTS FOR THE COMPOSITION OF UNITS OF THE PEOPLES ARMED FORCES IN THE SOUTHERN REGION

Article 1:
These arrangements shall remain in force for a period of five years subject to revision by the President of the High Executive Council acting with the consent of the Peoples Regional Assembly.

Article 2:
The Peoples Armed Forces in the Southern Region shall consist of a national force called the Southern Command, composed of 12,000 officers and men, of whom 6,000 shall be citizens from that region and the other 6,000 from outside the Region.

Article 3:
The recruitment and integration of citizens from the Southern Region within the aforementioned Forces shall be determined by a Joint Military Commission taking into account the need for initial separate deployment of troops with a view to achieve smooth integration in the national force. The Commission shall ensure that this deployment shall be such that an atmosphere of peace and confidence shall prevail in the Southern Region.

Article 4:
The Joint Military Commission shall be composed of three senior military officers from each side. Decisions of the Joint Military Commission shall be taken unanimously. In case of disagreement, such matters shall be referred to the respective authorities.

CHAPTER III
AMNESTY AND JUDICIAL ARRANGEMENTS

Article 1:
No action or other legal proceedings whatsoever, civil, or criminal, shall be instituted against any person in any Court of law for, or on account of, any act or matter done inside or outside the Sudan as from the 18th day of August, 1955, if such act or matter done in connection with mutiny, rebellion or sedition in the Southern Region.

Article 2:
If a civil suit in relation to any acts or matters referred to in Article One is instituted before or after the date of ratification of the Addis Ababa Agreement, such a suit shall be discharged and made null and void.

Article 3:
All persons serving terms of prisons or held in detention in respect of offences hereinbefore specified in Article One shall be discharged or released within fifteen days from the date of ratification of the Addis Ababa Agreement.

Article 4:
The Joint Cease fire Commission shall keep a register of all civilian returnees which register shall serve to certify that the persons therein named are considered indemnified within the meaning of this Agreement provided that the Commission may delegate such power to the Diplomatic Missions of the Democratic Republic of the Sudan in the case of citizens from the Southern Region living abroad and to who the provisions of this Agreement apply.

Article 5:
In the case of armed returnees or those belonging to combat forces, the Joint Military Commission shall keep a similar register of those persons who shall be treated in the same manner as provided for in Article Four.

Article 6:
Notwithstanding the provisions of Articles Four and Five above, a Special Tribunal with *ad hoc* judicial powers shall be established to examine and decide on those cases which in the estimation of the authorities do not meet the conditions for amnesty specified in Article One of this Agreement. The Special Tribunal shall be composed of a President appointed by the President of the Republic and not more than four members named by the Cease fire Commission.

Article 7:
Cases referred to in Article Six shall be brought to the attention of the Special Tribunal by request of the Minister of Justice.

Article 8:
The Amnesty Provisions contained in this Agreement as well as the powers of the Special Tribunal shall remain in force until such time as the President after consultation with the commissions referred to in this Agreement, decide that they have fulfilled their functions.

CHAPTER IV
REPATRIATION AND RESETTLEMENT COMMISSION

I. REPATRIATION

Article 1:
There shall be established Special Commissions inside and where required outside the Southern Region charged with the responsibility of taking all administrative and other measures as may be necessary in order to repatriate all citizens from the Southern Region who today are residing in other countries and especially in the neighboring countries. The headquarters of the Commission shall be in Juba.

Article 2:
The Commissions shall be composed of, at least, three members including one representative of the Central Government, one representative of the Southern Region, and one representative of the UN High Commissioner for Refugees. For those commissions operating outside the Sudan, a representative of the host Government shall be included, plus the central Government representative, who shall be the Ambassador of the Sudan or his representative.

Article 3:
The control of repatriation at the borders shall be assumed by the competent border authorities in cooperation with the representatives of the Resettlement Commission.

Article 4:
The Repatriation Commission shall work very closely with the Commission for Relief and Resettlement to ensure that the operation and timing of the returning of refugees from across borders is adequately co-coordinated.

II. RESETTLEMENT

Article 1:
There shall be established a Special Commission for Relief and Resettlement under the President of the Interim High Executive Council with headquarters in Juba and provincial branches in Juba, Malakal and Wau. The Commission, its branches, and whatever units it may deem fit to create in other localities in order to facilitate its functions, shall be responsible for co-ordination and implementation of all relief services and planning related to Resettlement and Rehabilitation of all returnees, that is:

a) Refugees from neighboring countries.
b) Displaced persons resident in the main centers in the Southern Region and other parts of the Sudan.
c) Displaced persons including residual Anya-Nya personnel and supporters in the bush.
d) Handicapped and orphans.

Article 2:
Although resettlement and rehabilitation of refugees and displaced persons is administratively the responsibility of the Regional Government, the present conditions in the Southern Region dictate that efforts of the whole nation of the Sudan and International Organizations should be pooled to help and rehabilitate persons affected by the conflict. The Relief and Resettlement Commission shall co-ordinate activities and resources of the Organizations within the country.

Article 3:
The first priority shall be the resettlement of displaced persons within the Sudan in the following order:

a) Persons presently residing in overcrowded centers in the Southern Region, and persons desirous to return to their original areas and homes.
b) Persons returning from the bush including Anya-Nya supporters.
c) Handicapped persons and orphans.

Article 4:
The second priority shall be given to returnees from the neighboring and other countries according to an agreed plan. This plan shall provide for:

a) Adequate reception centers with facilities for shelter, food supplies, medicine and medicaments.
b) Transportation to permanent resettlement villages or places of origin.
c) Materials and equipments.

Article 5:
The Relief and Resettlement Commission shall:

a) Appeal to International Organizations and Voluntary agencies to continue assistance for students already under their support particularly for students in secondary schools and higher institutions until appropriate arrangements are made for their repatriation.
b) Compile adequate information on students and persons in need of financial support from the Sudan Government.

Article 6:
The Relief and Resettlement Commission shall arrange for the education of all returnees who were attending primary schools.

This Agreement is hereby concluded on this twenty-seventh day of the month of February in the year one thousand nine hundred and seventy two, A.D. in this City, Addis Ababa, Ethiopia, between the Government of the Democratic Republic of the Sudan on the one hand and the South Sudan liberation Movement on the other.

It shall come into force on the date and hour fixed for its ratification by the President of the Democratic Republic of the Sudan and the leader of the South Sudan Liberation Movement.

It shall be ratified by the said two Leaders in persons or through their respective authorized Representatives, in this City, Addis Ababa, Ethiopia, at the twelfth hour at noon, on the twelfth day of the month of March, in the year one thousand nine hundred and seventy two, A.D.

In witness whereof, We the Representatives of the Government of the Democratic Republic of the Sudan and the Representatives of the South Sudan Liberation Movement hereby append our signatures in the presence of the Representative of His Imperial Majesty, the Emperor of Ethiopia and the Representatives of the World Council of Churches, the All Africa Conference of Churches and the Sudan Council of Churches.

For the Government of the Democratic Republic of the Sudan

1. Abel Alier-Wal Kuai
Vice President and Minister of State for Southern Affairs.
2. Dr. Mansour Khalid,
Minister for Foreign Affairs.
3. Dr. Jaafar Mohammed Ali Bakheit,
Minister for Local Government.
4. Major General P.S.C. Mohammed El Baghir Ahmed
Minister of Interior.
5. Abdel Rahman Abdalla,
Minister of Public Service and Administrative Reform.
6. Brigadier P.S.C. Mirgani Suleiman.
7. Colonel Kamal Abasher.

For the South Sudan Liberation Movement:

1. Ezboni Mondiri Gwonza,
Leader of the Delegation.
2. Dr. Lawrence Wol Wol,
Secretary of the Delegation.
3. E. Mading DeGarang,
Spokesman of the Delegation.
4. Colonel Frederick Brian Maggott,
Special Military Representative.
5. Oliver Batali Albino,
Member.
6. Angelo Voga Morjan,
Member.
7. Rev. Paul Puot,
Member.
8. Job Adier de Jok,
Member.

Witnesses:

1. Nabiyelul Kifle,
The Representative of His Imperial Majesty, the Emperor of Ethiopia.

2. Leopoldo J. Niilus,
   Representative of the World Council of Churches.
3. Kodwo E. Ankrah,
   Representative of the World Council of Churches.
4. Burgess Carr,
   General Secretary, All Africa Conference of Churches.
5. Samuel Athi Bwogo,
   Representative of Sudan Council of Churches.

Attestation:
I attest that these signatures are genuine and true.

Burgess Carr,
Moderator.

APPENDIX IV: THE DECLARATION OF PRINCIPLES AND THE COMPREHENSIVE PEACE AGREEMENT

IGADD/IGAD DECLARATION OF PRINCIPLES

20 July 1994

We, Representatives of the Government of the Republic of the Sudan (thereinafter referred to as the GoS) the Sudan Peoples' Liberation Movement/Sudan Peoples' Liberation Army and the Sudan Peoples' Liberation Movement/Sudan Peoples' Liberation Army-United (thereinafter referred to as the SPLM/A and SPLM/A-United respectively);

Recalling the previous peace talks between the GoS on the one hand, the SPLM/A and SPLM/A-united on the other, namely Addis Ababa in August 1989, Nairobi in December 1989, Abuja in May/July 1992, Abuja in April/May 1993, Nairobi in May 1993, and Frankfurt in January 1992;

Cognisant of the importance of the unique opportunity afforded by the IGADD Peace Initiative to reach a negotiated peaceful solution to the conflict in the Sudan;

Concerned by the continued human suffering and misery in the war affected areas: Hereby agree in the following Declaration of Principles (DoP) that would constitute the basis for resolving the conflict in the Sudan:

1. Any comprehensive resolution of the Sudan conflict requires that all parties to the conflict fully accept and commit themselves to that position that

1.1 The history and nature of the Sudan conflict demonstrate that a military solution cannot bring lasting peace and stability the country

1.2 A peaceful and just political solution must be the common objective of the parties to the conflict

2. The right of self-determination of the people of south Sudan to determine their future status through a referendum must be affirmed.

3. Maintaining unity of the Sudan must be given priority by all parties provided that the following principles are established in the political, legal, economic and social framework of the country:

3.1 Sudan is a multi-racial, multi-ethnic, multi-religious and multi-cultural society. Full recognition and accommodation of these diversities must be affirmed.

3.2 Complete political and social equalities of all peoples in the Sudan must be guaranteed by law.

3.3 Extensive rights of self-determination on the basis of federation, autonomy, etc, to the various peoples of the Sudan must be affirmed.

3.4 A secular and democratic state must be established in the Sudan. Freedom of belief and worship and religious practice shall be guaranteed in full to all Sudanese citizens. State and religion shall be separated. The basis of personal and family laws can be religion and customs.

3.5 Appropriate and fair sharing of wealth among the various people of the Sudan must be realized.

3.6 Human rights as internationally recognized shall form part of this arrangement and shall be embodied in constitution.

3.7 The Independence of the Judiciary shall be enshrined in the constitution and laws of the Sudan.

4. In the absence of agreement on the above principles referred to in 3.1 to 3.7, the respective people will have the option to determining their future including independence through a referendum.

5. An interim arrangement shall be agreed upon, the duration and the tasks of which should be negotiated by the parties.

6. The parties shall negotiate a ceasefire agreement to enter into force as part of the overall settlement of the conflict in the Sudan.

THE COMPREHENSIVE PEACE AGREEMENT

THE MACHAKOS PROTOCOL

July 20, 2002

WHEREAS the Government of the Republic of the Sudan (GOSS) and the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/A) herein after referred to as the Parties, having met in Machakos, Kenya, from 18 June 2002 through 20 July 2002
WHEREAS the Parties are desirous of resolving the Sudan Conflict in a just and sustainable manner by addressing the root causes of the conflict and by establishing a framework for governance through which power and wealth shall be equitably shared and human rights guaranteed; and
MINDFUL that the conflict in the Sudan is the longest running conflict in Africa, that it has caused horrendous loss of life and destroyed the infrastructure of the country, wasted economic resources, and has caused untold suffering, particularly with regard to the people of South Sudan; and
SENSITIVE to historical injustices and inequalities in development between the different regions of the Sudan that need to be redressed; and
RECOGNIZING that the present moment offers a window of opportunity to reach a just peace agreement to end the war; and
CONVINCED that the rejuvenated IGAD peace process under the chairmanship of the Kenyan President, H.E. Daniel T. arap Moi, provides the means to resolve the conflict and reach a just and sustainable peace; and
COMMITTED to a negotiated, peaceful, comprehensive resolution to the conflict based on the Declaration of Principles (DOP) for the benefit of all the people of the Sudan;
NOW THEREFORE, the Parties hereto hereby agree as follows:

PART A
Agreed Principles

1.1 That the unity of the Sudan, based on the free will of its people democratic governance, accountability, equality, respect, and justice for all citizens of the Sudan is and shall be the priority of the parties and that it is possible to redress the grievances of the people of South Sudan and to meet their aspirations within such a framework.
1.2 That the people of South Sudan have the right to control and govern affairs in their region and participate equitably in the National Government.
1.3 That the people of South Sudan have the right to self-determination, *inter alia*, through a referendum to determine their future status.
1.4 That religion, customs, and traditions are a source of moral strength and inspiration for the Sudanese people.
1.5 That the people of the Sudan share a common heritage and aspirations and accordingly agree to work together to:
1.5.1 Establish a democratic system of governance taking account of the cultural, ethnic, racial, religious and linguistic diversity and gender equality of the people of the Sudan.
1.5.2 Find a comprehensive solution that addresses the economic and social deterioration of the Sudan and replaces war not just with peace, but also with social, political and economic justice which respects the fundamental human and political rights of all the Sudanese people.
1.5.3 Negotiate and implement a comprehensive cease fire to end the suffering and killing of the Sudanese people.
1.5.4 Formulate a repatriation, resettlement, rehabilitation, reconstruction and development plan to address the needs of those areas affected by the war and redress the historical imbalances of development and resource allocation.

1.5.5 Design and implement the Peace Agreement so as to make the unity of the Sudan an attractive option especially to the people of South Sudan.
1.5.6 Undertake the challenge by finding a framework by which these common objectives can be best realized and expressed for the benefit of all the Sudanese.

PART B
The Transition Process
2.0 There shall be a Pre-Interim Period, the duration of which shall be six (6) months.
2.1 During the Pre-Interim Period:
a) The institutions and mechanisms provided for in the Peace Agreement shall be established;
b) If not already in force, there shall be a cessation of hostilities with appropriate monitoring mechanisms established;
c) Mechanisms to implement and monitor the Peace Agreement shall be created;
d) Preparations shall be made for the implementation of a comprehensive cease fire as soon as possible;
e) International assistance shall be sought; and
f) A Constitutional Framework for the Peace Agreement and the institutions referred to in 2.1 (a) shall be established.
2.2 The Interim Period will commence at the end of the Pre-Interim Period and shall last for six years.
2.3 Throughout the Interim Period:
a) The institutions and mechanisms established during the Pre-Interim Period shall be operating in accordance with the arrangements and principles set out in the Peace Agreement.
b) If not already accomplished, the negotiated comprehensive cease fire will be implemented and international monitoring mechanisms shall be established and operationalized.
2.4 An independent Assessment and Evaluation Commission shall be established during the Pre-Interim Period to monitor the implementation of the Peace Agreement and conduct a mid-term evaluation of the unity arrangements established under the Peace Agreement.
2.4.1 The composition of the Assessment and Evaluation Commission shall consist of equal representation from the GOS and the SPLM/A, and not more than two (2) representatives, respectively, from each of the following categories:
* Member states of the IGAD Sub-Committee on Sudan (Djibouti, Eritrea, Ethiopia, Kenya, and Uganda);
* Observer States (Italy, Norway, UK, and US); and
* Any other countries or regional or international bodies to be agreed upon by the parties.
2.4.2 The Parties shall work with the Commission during the Interim Period with a view to improving the institutions and arrangements created under the Agreement and making the unity of Sudan attractive to the people of South Sudan.
2.5 At the end of the six (6) year Interim Period there shall be an internationally monitored referendum, organized jointly by the GOS and the SPLM/A, for the people of South Sudan to: confirm the unity of the Sudan by voting to adopt the system of government established under the Peace Agreement; or to vote for secession.
2.6 The parties shall refrain from any form of unilateral revocation or abrogation of the Peace Agreement.

Part C
Structures of Government
To give effect to the agreements set out in Part A, the Parties, within a framework of a unified Sudan which recognizes the right to self-determination for the people of Southern Sudan, hereby agree that with respect to the division of powers and the structures and functions of the different organs of government, the political framework of governance in the Sudan shall be structured as follows:

3.1 Supreme Law
3.1.1 The National Constitution of the Sudan shall be the Supreme Law of the land. All laws must comply with the National Constitution. This constitution shall regulate the relations and allocate the powers and functions between the different levels of government as well as prescribe the wealth sharing arrangements between the same. The National Constitution shall guarantee freedom of belief, worship and religious practice in full to all Sudanese citizens.
3.1.2 A representative National Constitutional Review Commission shall be established during the Pre-Transition Period which shall have as its first task the drafting of a Legal and Constitutional Framework to govern the Interim Period and which incorporates the Peace Agreement.
3.1.3 The Framework mentioned above shall be adopted as shall be agreed upon by the Parties.
3.1.4 During the Interim Period an inclusive Constitutional Review Process shall be undertaken.
3.1.5 The Constitution shall not be amended or repealed except by way of special procedures and qualified majorities in order that the provisions of the Peace Agreement are protected.
3.2 National Government
3.2.1 There shall be a National Government which shall exercise such functions and pass such laws as must necessarily be exercised by a sovereign state at national level. The National Government in all its laws shall take into account the religious and cultural diversity of the Sudanese people.
3.2.2 Nationally enacted legislation having effect only in respect of the states outside Southern Sudan shall have as its source of legislation Sharia and the consensus of the people.
3.2.3 Nationally enacted legislation applicable to the southern States and/or the Southern Region shall have as its source of legislation popular consensus, the values and the customs of the people of Sudan including their traditions and religious beliefs, having regard to Sudan's diversity).
3.2.4 Where national legislation is currently in operation or is enacted and its source is religious or customary law, then a state or region, the majority of whose residents do not practice such religion or customs may:
(i) Either introduce legislation so as to allow or provide for institutions or practices in that region consistent with their religion or customs, or
(ii) Refer the law to the Council of States for it to approve by a two-thirds majority or initiate national legislation which will provide for such necessary alternative institutions as is appropriate.

The Right to Self-Determination for the People of South Sudan
3.3 That the people of South Sudan have the right to self-determination, inter alia, through a referendum to determine their future status.
3.4 An independent Assessment and Evaluation Commission shall be established during the Pre-Transition period to monitor the implementation of the Peace Agreement during the Interim Period. This Commission shall conduct a mid-term evaluation of the unity arrangements established under the Peace Agreement.
3.5 At the end of the six (6) year interim period there shall be an internationally monitored referendum, organized jointly by the GOS and the SPLM/A, for the people of South Sudan to: confirm the unity of the Sudan by voting to adopt the system of government established under the Peace Agreement; or to vote for secession.
3.6 The Parties shall refrain from any form of unilateral revocation or abrogation of the Peace Agreement.

State and Religion
6.1 Religions, customs and beliefs are a source of moral strength and inspiration for the Sudanese people.

6.2 There shall be freedom of belief, worship and conscience for followers of all religions or beliefs or customs and no one shall be discriminated against on such grounds.
6.3 Eligibility for public office, including the presidency, public service and the enjoyment of all rights and duties shall be based on citizenship and not on religion, beliefs, or customs.
6.4 All personal and family matters including marriage, divorce, inheritance, succession, and affiliation may be governed by the personal laws (including Sharia or other religious laws, customs, or traditions) of those concerned.
6.5 The Parties agree to respect the following Rights:
6.5.1 To worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;
6.5.2 To establish and maintain appropriate charitable or humanitarian institutions;
6.5.3 To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;
6.5.4 To write, issue and disseminate relevant publications in these areas;
6.5.5 To teach religion or belief in places suitable for these purposes;
6.5.6 To solicit and receive voluntary financial and other contributions from individuals and institutions;
6.5.7 To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;
6.5.8 To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religious beliefs;
6.5.9 To establish and maintain communications with individuals and communities in matters of religion and belief and at the national and international levels;
6.5.10 For avoidance of doubt, no one shall be subject to discrimination by the National Government, state, institutions, group of persons or person on grounds of religion or other beliefs.
6.6 The Principles enumerated in Section 6.1 through 6.5 shall be reflected in the Constitution.

SECURITY ARRANGEMENTS DURING THE INTERIM PERIOD

25 September 2003

1. Status of the Two Armed Forces:
a. In the context of a united Sudan, and should the result of the referendum on self-determination confirm unity, the Parties (the Government of the Sudan and the Sudan People's Liberation
Movement and Army) agree to the formation of the future army of Sudan that shall be composed from the Sudanese Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA).
b. As part of a peace agreement and in order to end the war, the Parties agree that the two forces, the SAF and the SPLA shall remain separate during the Interim Period, and further agree that both forces shall be considered and treated equally as Sudan's National Armed Forces during the Interim Period taking into consideration 1 (c) below.
c. The parties agree to the principles of proportional downsizing of the forces on both sides, at a suitable time, following the completion of the comprehensive ceasefire arrangements.
d. The national Armed Forces shall have no internal law and order mandate except in constitutionally specified emergencies.

2. Ceasefire:
The parties agree to an internationally monitored ceasefire which shall come into effect from the date of signature of a Comprehensive Peace Agreement. Details of the Ceasefire Agreement shall be worked out by the two parties together with the IGAD mediators and international experts.

3. Redeployment:
a. The two forces shall be disengaged, separated, encamped and redeployed as will be detailed in the Comprehensive Ceasefire Agreement.
b. Except for those deployed in the Joint/Integrated Units, the rest of the forces of SAF currently deployed in the South shall be redeployed North of the South/North border of 1/1/1956 under international monitoring and assistance within and up to two and one half years (2 1/2) from the beginning of the pre-Interim Period.
c. Except for those deployed in the Joint/Integrated Units, the rest of the SPLA forces currently deployed in Nuba Mountains and Southern Blue Nile shall be redeployed South of the South/North border of 1/1/1956 as soon as the Joint/Integrated Units are formed and deployed under international monitoring and assistance.
d. The SPLM/A undertakes that the demobilized Southern Sudanese from those currently serving in SAF in Southern Sudan shall be absorbed into various institutions of the Government of Southern Sudan along with demobilized SPLA soldiers.
e. The parties agree to implement with the assistance of the international community DDR programmes for the benefit of all those who will be affected by the reduction, demobilization and downsizing of the forces as agreed in 1(c), 3(d) and 7(b).

4. Joint/Integrated Units:
There shall be formed Joint/Integrated Units consisting of equal numbers from the Sudanese Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA) during the Interim Period. The Joint/Integrated Units shall constitute a nucleus of a post referendum army of Sudan, should the result of the referendum confirm unity, otherwise they would be dissolved and the component parts integrated into their respective forces.

4.1 Elaboration On Joint/Integrated Units:

a. *Their Character:*

They should have a new character based on a common doctrine.

b. *Their Functions:*

i. They will be a symbol of national unity during the Interim Period.

ii. They will be a symbol of sovereignty during the Interim Period.

iii. They will participate in the defense of the country together with the two forces.

iv. They will provide a nucleus of a post Interim Period future army of the Sudan should the vote of referendum confirm unity.

v. They shall be involved in the reconstruction of the country.

c. *Size and Deployment:*

The size and deployment of the Joint/Integrated Units throughout the Interim Period shall be as indicated below:

1. Southern Sudan: twenty four thousands (24,000)
2. Nuba Mountains: six thousands (6,000)
3. Southern Blue Nile: six thousands (6,000)
4. Khartoum: three thousands (3,000)
5. Eastern Sudan:

a. The redeployment of SPLA forces from Eastern Sudan to South of the South/North border of 1/1/1956 shall be completed within one (1) year from the beginning of the pre-Interim period.

b. The parties shall discuss the issue of establishing Joint/Integrated Units.

5. Command and Control of the Two Forces:

1. The Parties agree to establish a Joint Defense Board (JDB) under the Presidency, and shall be comprised of the chiefs of staff of the two forces, their deputies and any number of senior officers to be agreed to by the parties. It shall take its decisions by consensus and it shall be chaired alternately by the respective Chiefs of Staff.

2. Functions of JDB:

The JDB shall perform the following functions:

a. Co-ordination between the two forces.

b.Command of the Joint Integrated Units.

6. Common Military Doctrine:

The parties shall develop a common military doctrine as a basis for the Joint/Integrated Units as well as a basis for a post Interim Period army of the Sudan, if the referendum vote is in favor of unity. The parties shall develop this common doctrine within one year from the beginning of the Interim Period. During the Interim Period, the training of the SPLA (in the South), the SAF (in the North) and the joint units (in both North and South) will be based on this common doctrine.

7. Status of Other Armed Groups In the Country:

1. No armed group allied to either party shall be allowed to operate outside the two forces.

2. The Parties agree that those mentioned in 7(a) who have the desire and qualify shall be incorporated into the organized forces of either Party (Army, Police, Prisons and Wildlife forces), while the rest shall be reintegrated into the civil service and civil society institutions.

3. The parties agree to address the status of other armed groups in the country with the view of achieving comprehensive peace and stability in the country and to realize full inclusiveness in the transition process.

8. National Security Organs and Police forces:
Structures and arrangements affecting all law enforcement organs, especially the Police, and National Security Organs shall be dealt with as part of the power sharing arrangements, and tied where is necessary to the appropriate level of the executive.

WEALTH SHARING AGREEMENT

7 January 2004

1.0 Guiding Principles in Respect of an Equitable Sharing of Common Wealth

1.1 The Parties agree that the guiding principles and provisions below shall be the basis for the comprehensive text on Wealth Sharing.

1.2 The wealth of Sudan shall be shared equitably so as to enable each level of government to discharge its legal and constitutional responsibilities and duties.

1.3 The National Government shall also fulfil its obligation to provide transfers to the Government of Southern Sudan.

1.4 The sharing and allocation of wealth emanating from the resources of the Sudan shall ensure that the quality of life, dignity and living conditions of all the citizens are promoted without discrimination on grounds of gender, race, religion, political affiliation, ethnicity, language, or region. The sharing and allocation of this wealth shall be based on the premise that all parts of Sudan are entitled to development.

1.5 The Parties agree that Southern Sudan faces serious needs to: (i) be able to perform basic government functions, (ii) build up the civil administration, and (iii) rehabilitate and reconstruct/construct the social and physical infrastructure in a post-conflict Sudan.

1.6 The Parties agree that Nuba Mountains, Southern Blue Nile, Abyei and other war affected areas face serious needs as 1.5 above.

1.7 That Southern Sudan, and those areas in need of construction/reconstruction, shall be brought up to the same average level of socio-economic and public services standard as the Northern states. For this purpose, two special funds shall be established as provided herein.

1.8 That revenue sharing should reflect a commitment to devolution of power and decentralization of decision-making in regard to development, service delivery and governance.

1.9 The development of infrastructure, human resources, sustainable economic development and the capacity to meet human needs shall be conducted within a framework of transparent and accountable government.

1.10 That the best known practices in the sustainable utilization and control of natural resources shall be followed.

1.11 This Agreement sets out the respective types of income, revenue, taxes and other sources of wealth to which the various levels of government are entitled.

1.12 The Parties recognize that the National Government, during the Interim Period, will need to mobilize additional national resources.

1.13 There is a limit on how much additional national resources can be mobilized and part of the national needs in a post-conflict Sudan will have to be met by external assistance.

1.14 The National Government shall not withhold an allocation due to a state/region or the Government of Southern Sudan. Any level of Government may initiate proceedings in the Constitutional Court should any other organ or level withhold monies due to it. The National Government shall make transfers to the Government of Southern Sudan based on the principles established.

1.15 In agreeing to these wealth sharing arrangements the Parties signal to the international community that it will have to play a strong and constructive role in providing post-conflict construction/reconstruction assistance to Sudan, especially to Southern Sudan and other war affected and least developed areas.

1.16 The National Government shall assist the Government of Southern Sudan, during the pre-Interim Period, in cooperation with international organizations, to develop and implement a program for capacity enhancement in the South.

2.0 Ownership of Land and Natural Resources

2.1 Without prejudice to the position of the Parties with respect to ownership of land and subterranean natural resources, including in Southern Sudan, this Agreement is not intended to address the ownership of those resources. The Parties agree to establish a process to resolve this issue.

2.2. The Parties agree that the regulation, management, and the process for the sharing of wealth from subterranean natural resources are addressed below.

2.3. The Parties record that the regulation of land tenure, usage and exercise of rights in land is to be a concurrent competency exercised at the appropriate levels of government.

2.4. Rights in land owned by the Government of Sudan shall be exercised through the appropriate or designated levels of Government.

2.5. The Parties agree that a process be instituted to progressively develop and amend the relevant laws to incorporate customary laws and practices, local heritage and international trends and practices.

2.6 Without prejudice to the jurisdiction of courts, there shall be established a National Land Commission that shall have the following functions:

2.6.1 Arbitrate between willing contending Parties on claims over land, and sort out such claims.

2.6.2 The party or group making claims in respect of land may make a claim against the relevant government and/or other Parties interested in the land.

2.6.3 The National Land Commission may at its discretion entertain such claims.

2.6.4 The Parties to the arbitration shall be bound by the decision of the National Land Commission on mutual consent and upon registration of the award in a court of law.

2.6.5 The National Land Commission shall apply the law applicable in the locality where the land is situated or such other law as the Parties to the arbitration agree, including principles of equity.

2.6.6 Accept references on request from the relevant government, or in the process of resolving claims, and make recommendations to the appropriate levels of government concerning land reform policies and recognition of customary land rights and/or law.

2.6.7 Assess appropriate land compensation, which need not be limited to monetary compensation.

2.6.8 Advise different levels of government on how to co-ordinate policies on national projects.

2.6.9 Study and record land use practices in areas where natural resource exploitation occurs.

2.6.10 The National Land Commission shall be representative and independent. The composition of the membership and terms of appointment of the National Land Commission shall be set by the legislation constituting it. The Chairperson of the National Land Commission shall be appointed by the Presidency.

2.6.11 The National Land Commission may conduct hearings and formulate its own rules of procedure.

2.6.12 The National Land Commission will have its budget approved by the Presidency and will be accountable to the Presidency for the due performance of its functions.

2.7 In accordance with this Agreement and without prejudice to the jurisdiction of courts, there shall be established a Southern Sudan Land Commission which shall have the following functions:

2.7.1 Arbitrate between willing contending Parties on claims over land, and sort out such claims.

2.7.2 The party or group making claims in respect of land may make a claim against the relevant government and/or other Parties interested in the land.

2.7.3 The Southern Sudan Land Commission may entertain such claims at its discretion.

2.7.4 The Parties to the arbitration shall be bound by the Southern Sudan Land Commission's decision on mutual consent and upon registration of the award in a court of law.

2.7.5 The Southern Sudan Land Commission shall apply the law applicable in the locality where the land is situated or such other law as the Parties to the arbitration agree, including principles of equity.
2.7.6 Accept references on request from the relevant government, or in the process of resolving claims, and make recommendations to the appropriate levels of government concerning land reform policies and recognition of customary land rights and/or law.
2.7.7 Assess appropriate land compensation, which need not be limited to monetary compensation, for applicants in the course of arbitration or in the course of a reference from a court.
2.7.8 Advise different levels of government on how to co-ordinate policies on GOSS projects.
2.7.9 Study and record land use practices in areas where natural resource exploitation occurs.
2.7.10 The Southern Sudan Land Commission shall be representative and independent. The composition of the membership and terms of appointment of the Southern Sudan Land Commission shall be set by the legislation constituting it. The Chairperson of the Southern Sudan Land Commission shall be appointed by the President of the Government of Southern Sudan.
2.7.11 The Southern Sudan Land Commission may conduct hearings and formulate its own rules of procedure.
2.7.12 The Southern Sudan Land Commission shall have its budget approved by the Government of Southern Sudan and shall be accountable to the President of the Government of Southern Sudan for the performance of its functions.
2.8 The National Land Commission and the Southern Sudan Land Commission shall co-operate and co-ordinate their activities so as to use their resources efficiently. Without limiting the matters of coordination, the National Land Commission and the Southern Sudan Land Commission may agree:
a) to exchange information and decisions of each Commission;
b) that certain functions of the National Land Commission, including collection of data and research, may be carried out through the Southern Sudan Land Commission;
c) on the way in which any conflict between the findings or recommendations of each Commission may be resolved.
2.9 In the case of conflict between the findings or recommendations of the National Land Commission and the Southern Sudan Land Commission, which cannot be resolved by agreement, the two Commissions shall reconcile their positions. Failure to reconcile, the matter shall be referred to the Constitutional Court.

3.0 Oil Resources
A. Guiding Principles for the management and development of the petroleum sector
3.1 The Parties agree that the basis for an agreed and definitive framework for the management of the development of the petroleum sector during the Interim Period shall include the following:
3.1.1 Sustainable utilization of oil as a non-renewable natural resource consistent with:
a) the national interest and the public good;
b) the interest of the affected states/regions;
c) the interests of the local population in affected areas;
d) national environmental policies, biodiversity conservation guidelines, and cultural heritage protection principles.
3.1.2 Empowerment of the appropriate levels of government to develop and manage, in consultation with the relevant communities, the various stages of oil production within the overall framework for the management of petroleum development during the Interim Period.
3.1.3 Give due attention to enabling policy environment for the flow of foreign direct investment by reducing risks associated with uncertainties regarding the outcome of the referendum on self-determination at the end of the Interim Period.

3.1.4 A stable macroeconomic environment that emphasizes stability of the petroleum sector.
3.1.5 Persons enjoying rights in land shall be consulted and their views shall duly be taken into account in respect of decisions to develop subterranean natural resources from the area in which they have rights, and shall share in the benefits of that development.
3.1.6 Persons enjoying rights in land are entitled to compensation on just terms arising from acquisition or development of land for the extraction of subterranean natural resources from the area in respect of which they have rights.
3.1.7 The communities in whose areas development of subterranean natural resources occurs have the right to participate, through their respective states/regions, in the negotiation of contracts for the development of those resources.
3.1.8 Regardless of the contention over the ownership of land and associated natural resources, the Parties agree on a framework for the regulation and management of petroleum development in Sudan during the Interim Period.

B. National Petroleum Commission (NPC)
3.2 The Parties agree that an independent National Petroleum Commission (NPC) shall be established during the Pre-Interim Period and its decisions shall be by consensus.
3.3 Taking into account the provisions elsewhere in this Agreement, the NPC shall be constituted as follows:
a) The President of the Republic and President of the GOSS as Co-chairs and permanent members;
b) Four (4) permanent members representing the National Government;
c) Four (4) permanent members representing the GOSS; and
d) Not more than three (3) representatives of an oil producing State/Region in which petroleum development is being considered, non-permanent members.
3.4 The NPC shall have the following functions:
3.4.1 Formulate public policies and guidelines in relation to the development and management of the petroleum sector consistent with paragraph 3.1.1.
3.4.2 Monitor and assess the implementation of those policies to ensure that they work in the best interests of the people of Sudan.
3.4.3 Develop strategies and programs for the petroleum sector.
3.4.4 Negotiate and approve all oil contracts for the exploration and development of oil in the Sudan, and ensure they are consistent with the NPC's principles, policies and guidelines.
3.4.5 Develop its internal regulations and procedures.
3.5 In performing the functions referred to in paragraph 3.4 above, the NPC shall take into account relevant considerations, including the following:
3.5.1 The extent to which the contract provides benefits to local communities affected by the development.
3.5.2 The extent to which the views of the state/region and the affected groups are incorporated in the proposed contracts.
3.5.3 If the NPC decides to approve the contract, persons holding rights in land who are aggrieved by the decision shall seek relief through arbitration or in a court of law.
3.5.4 If the non-permanent members of the NPC representing the oil producing State/Region collectively disagree with the decision of the NPC to approve the contract related to their State/Region, the National Minister of Petroleum shall not sign the contract and shall refer the matter to the Council of States/Regions. If the Council of States/Regions rejects the objection by two-thirds majority, the National Minister of Petroleum shall sign the contract. If the Council of States/Regions does not reject the objection by two thirds majority within 24 sitting days of receiving it, the Council of States/Regions shall remit the objection within that period and by two thirds majority to a mechanism established by the Council to arbitrate on the objection. The arbitration decision shall be made within six calendar months of referral to arbitration. The arbitration decision shall be binding.

3.5.5. If the NPC approves the contract the National Minister of Petroleum shall sign the contract on behalf of the Government of the Sudan.
3.5.6 In performing functions 3.4.1, 3.4.2, 3.4.3, and 3.4.5 of paragraph 3.4, the NPC shall include only its permanent members.
3.5.7 In performing function 3.4.4 of paragraph 3.4, the NPC shall include its permanent members and representatives of oil producing State/Region in which contracts for the exploration and development of the petroleum are being negotiated and considered for approval.

4.0 Existing Oil Contracts
4.1 The SPLM shall appoint a limited number of representatives to have access to all existing oil contracts. The representatives shall have the right to engage technical experts. All those who have access to the contracts will sign confidentiality agreements.
4.2 Contracts shall not be subject to re-negotiation.
4.3 If contracts are deemed to have fundamental social and environmental problems the Government of Sudan will implement necessary remedial measures.
4.4 The Parties agree that "existing oil contracts" mean contracts signed before the date of signature of the comprehensive Peace Agreement.
4.5 Persons whose rights have been violated by oil contracts are entitled to compensation. On the establishment of these violations through due legal process the Parties to the oil contracts shall be liable to compensate the affected persons to the extent of the damage caused.

5.0 Guiding Principles for Sharing Oil Revenue
5.1 The Parties agree that the basis for an agreed and definitive framework for the sharing of the wealth emanating from oil resources of Southern Sudan shall include the following:
5.1.1 The framework for sharing wealth from the extraction of natural resources should balance the needs for national development and reconstruction of Southern Sudan.
5.2 The Parties agree that a formula for sharing the revenue from oil resources shall be as set forth in this Agreement.
5.3 For the purposes of this Agreement 'Net revenue from oil' shall be the sum of the net revenue (i) from exports of government oil and (ii) from deliveries of government oil to the refineries.
5.4 An Oil Revenue Stabilization Account shall be established from government oil net revenue derived from actual export sales above an agreed benchmark price.
5.5 The Parties agree that at least two percent (2%) of oil revenue shall be allocated to the oil producing states/regions in proportion to output produced in such states/regions.
5.6 After the payment to the Oil Revenue Stabilization Account and to the oil producing states/regions, fifty percent (50%) of net oil revenue derived from oil producing wells in Southern Sudan shall be allocated to the Government of Southern Sudan (GOSS) as of the beginning of the Pre-Interim Period and the remaining fifty percent (50%) to the National Government and States in Northern Sudan.
5.7 A Future Generation Fund shall be established once national oil production reaches two (2) million barrels per day. This production criterion may, as part of the National Government's normal budget process, be reduced down to one (1) million barrels per day.
5.8 The Parties agree that all funds/special accounts referred to in this Agreement and future accounts shall be on-budget operations.

6.0 Sharing of Non-Oil Revenue
6.1 The National Government shall be entitled to legislate, raise and collect the below-listed taxes and to collect revenue from these sources:
6.1.1 National Personal Income Tax;
6.1.2 Corporate or Business Profit Tax;
6.1.3 Customs Duties and import taxes; and

6.1.4 Sea-ports and Airports Revenue;
6.1.5 Service charges;
6.1.6 Oil revenues as set out herein;
6.1.7 National Government Enterprises and projects;
6.1.8 VAT or GST or other retail taxes on goods and services;
6.1.9 Excise Tax;
6.1.10 Any other tax as agreed upon in these negotiations;
6.1.11 Loans, including borrowing from the Central Bank and the public.
6.2 The Government of Southern Sudan shall be entitled to revenue from the following sources and to raise and collect the below-listed taxes:
6.2.1 The National revenue allocation to the Government of Southern Sudan and States/Regions from the National Revenue Fund as set forth in section 7.0 of this Agreement;
6.2.2 Revenue from any of the sources listed as state/region revenue sources referred to in paragraph 6.3 herein;
6.2.3 The Southern Sudan Reconstruction and Development Fund (SSRDF);
6.2.4 Oil revenues as is set out in this Agreement;
6.2.5 Southern Sudan Government Taxes, which do not encroach on the exclusive National Government taxing powers or which are contemplated in the Power Sharing Protocol;
6.2.6 Service charges of the Government of Southern Sudan;
6.2.7 Government of Southern Sudan enterprises and projects;
6.2.8 Grants in Aid and Foreign Aid;
6.2.9 Taxes and levies on small and medium business;
6.2.10 Excise taxes on goods within the region deemed to be luxury consumables;
6.2.11 Southern Sudan Personal Income Tax;
6.2.12 Any other taxes as may be agreed to from time to time;
6.2.13 Loans and Borrowing in accordance with the Monetary Policy, Banking, Currency and Borrowing sections of this Agreement.
6.3 The states/regions shall be entitled to raise and collect the below-listed taxes and revenue from the below listed sources:
6.3.1 State/Regional Land and property tax and royalties;
6.3.2 Service charges for state/regional services;
6.3.3 Licences;
6.3.4 State/Regional Personal Income Tax;
6.3.5 Levies on Tourism;
6.3.6 State/Regional share of oil Revenues as is set out in paragraphs
5.5 and 5.6 of this Agreement;
6.3.7 State/Regional Government projects and state/regional nature parks;
6.3.8 Stamp duties;
6.3.9 Agricultural Taxes;
6.3.10 Grants in Aid and Foreign Aid through the National Government and the GOSS;
6.3.11 Excise taxes;
6.3.12 Border Trade charges or levies in accordance with National
Legislation;
6.3.13 Other state/region taxes which do not encroach on national or Southern Sudan Government taxes;
6.3.14 Any other tax as may be agreed to from time to time; and
6.3.15 Loans and borrowing in accordance with the Monetary Policy, Banking, Currency and Borrowing sections of this Agreement.

7.0 Equalization and Allocation to the National, Southern Sudan and State/Regional Levels of Government in Respect of Revenue Collected Nationally

7.1. All revenues collected nationally for or by the National Government shall be pooled in a National Revenue Fund (NRF) administered by the National Treasury. Such Fund shall

embrace all accounts and sub-funds into which monies due to the Government are collected, reported or deposited.
7.2 All the revenues and expenditures of the Government will be on-budget operations and made public.
7.3 Notwithstanding the provisions of paragraphs 5.6, 7.1 and 13.1, the National Government shall allocate fifty percent (50%) of the national non-oil revenue collected in Southern Sudan, as provided for herein under paragraph 6.1 above, to the GOSS to partially meet the development cost and other activities during the Interim Period. The Parties agree to review this arrangement, at mid-term of the Interim Period, with the view of the National Government allocating additional resources to the Government of Southern Sudan.
7.4 As a result of the allocation arrangements in paragraph 7.3 above, the Parties agree to appeal to the international and donor community to help the Government of Southern Sudan by providing post-conflict reconstruction assistance especially at the beginning of the transition.
7.5 The states/regions and the Government of Southern Sudan shall retain and dispose of such other income raised and collected under their own taxing powers.

8.0 Fiscal and Financial Allocation and Monitoring Commission (FFAMC)
8.1 To ensure transparency and fairness both in regard to the allocation of nationally collected funds to the states/regions and the Government of Southern Sudan, a Fiscal and Financial Allocation and Monitoring Commission shall be established. This body shall be comprised of experts nominated by the various states/regions, the Government of Southern Sudan and the National Government. Decision making arrangements of the FFAMC shall be as agreed to by the Parties.
8.2 The FFAMC shall undertake the following duties and responsibilities:
8.2.1 Monitor and ensure that equalization grants from the National Revenue Fund are promptly transferred to respective levels of government;
8.2.2 Ensure appropriate utilization and sharing of financial resources;
8.2.3 Ensure that resources allocated to war affected areas are transferred in accordance with agreed upon formulae; and
8.2.4 Ensure transparency and fairness in the allocation of funds to the GOSS and states/regions according to established ratios or percentages stipulated in this Agreement.
8.3. The FFAMC shall be composed of representatives from the National Government and the Government of Southern Sudan and States/Regions as follows:
a) Three Representatives of the National Government;
b) Three Representatives of the Government of Southern Sudan (GOSS);
c) All Finance Ministers in all States/Regions of Sudan
8.4 The Chairperson of the FFAMC shall be appointed by the Presidency.
8.5 The FFAMC shall work out its own rules and procedures, which shall be approved by the Presidency.

9.0 Interstate Commerce
9.1 There shall be no legal impediment to interstate commerce or the flow of goods and services, capital, or labour between the states/regions.

10.0 Government Liabilities
10.1 Any debts/liabilities incurred by any level of government shall be the responsibility of that level of government.

11.0 Division of Government Assets
11.1 There shall be a fair and equitable division of government assets. An asset shall in the first instance be allocated to the level of government responsible for the function in respect of which the asset is related (e.g. school buildings to the level of government responsible for

education). In the event of a dispute, the Parties agree that such dispute shall be referred to a committee comprising a representative of each of the Parties involved in the dispute and a mutually agreed expert.

12.0 Accounting Standards and Procedures and Fiscal Accountability

12.1 All levels of government shall comply with generally accepted accounting standards and procedures.

12.2 To ensure the effective operation of such institutions, there shall be independent National and Southern Sudan Audit Chambers, which shall have responsibility for the functions referred to above. The National Audit Chamber shall set auditing standards. Appointments to the National Audit Chamber shall be made by the Presidency and confirmed by the National Assembly.

12.3 All levels of government shall hold all income and revenue received by it in public accounts and subject to public scrutiny and accountability.

13.0 Financing the Transition

13.1 The National Government shall assist, during the Pre-Interim Period to the extent that it is able, the SPLM/A in the establishment of the new transitional governments at the State/Regional level and the Government of Southern Sudan. The Government of Southern Sudan shall meet the direct costs of establishing these levels of government, with the assistance from the international community.

13.2. Upon signature of a comprehensive Peace Agreement, the Parties shall establish a Joint National Transition Team to undertake the following:

13.2.1 Prepare budget estimates for the establishment of Governments at the National, Southern Sudan, and state/regional levels as provided for by the Peace Agreement;

13.2.2 Organize and prepare relevant documents for the donor conference, including the agenda of the conference, letters of invitations and be a secretariat to the donors' conference;

13.2.3 Develop fund raising strategies, and assist in the identification of potential sources of funds necessary for a smooth and timely commencement of the Interim Period.

14.0 Monetary Policy, Banking, Currency and Borrowing

A. Monetary Policy, Banking, and Currency

14.1. The Parties agree, consistent with the Machakos Protocol of 20th July 2002, to have a dual banking system in Sudan during the Interim Period. An Islamic banking system shall operate in Northern Sudan and a conventional banking system shall operate in Southern Sudan.

14.2. The Parties agree that conventional banking facilities are urgently needed in Southern Sudan. The Parties therefore agree to establish, during the Pre-Interim period, the Bank of Southern Sudan (BOSS) as a branch of Central Bank of Sudan (CBOS) consistent with paragraph 14.1 above.

14.3. The Parties agree to restructure, during the Pre-Interim Period, the CBOS so as to reflect the duality of the banking system in Sudan. The CBOS shall therefore use and develop two sets of banking instruments, one Islamic and the other Conventional, to regulate and supervise the implementation of a single monetary policy through: (i) an Islamic financing window in Northern Sudan under a deputy governor of CBOS using Islamic financing instruments to implement the national monetary policy in Northern Sudan; and (ii) the Bank of Southern Sudan (BOSS), headed by a deputy governor of CBOS, to manage the conventional window using conventional financing instruments in implementing the same national monetary policy in Southern Sudan.

14.4. The CBOS shall be responsible for the conduct of monetary policy. All banking institutions shall be subject to the rules and regulations set by the CBOS.

14.5. The primary responsibility and mandate of the CBOS shall be ensuring price stability, maintaining stable exchange rate, sound banking system and issuance of currency. The

monetary policy shall be carried out accordingly relying primarily on market-based instruments instead of
administrative allocation of credit.
14.6. The CBOS shall be fully independent in its pursuit of monetary policy.
14.7. The Governor of CBOS and his/her two deputies shall be appointed by the Presidency. The Governor of CBOS shall appoint in consultation with his/her two deputies other senior officers within the Central Bank.
14.8. The Parties agree to establish, during the Pre-Interim Period, an independent Board of Directors (BOD). Decisions of BOD on matters that may affect adversely the interest of either Party to this Agreement shall be by consensus. The BOD shall be responsible to the Presidency on the accountability of the CBOS and shall consist of nine (9) members as follows:
a) Governor of CBOS (Chairperson) and his/her two deputies and;
b) Six highly qualified Sudanese to be appointed by the Presidency taking into account the agreed formula in the Power Sharing Protocol for the institutions of the National Government.
14.9 The CBOS shall adopt a program to issue a new currency as soon as is practical during the Interim Period. The design of the new currency shall reflect the cultural diversity of Sudan. Until a new currency has been issued with the approval of the Parties on the recommendations of the
CBOS, the circulating currencies in Southern Sudan shall be recognised.
14.10 The BOSS shall be responsible for chartering and supervising financial institutions in Southern Sudan.
14.11 All financial institutions shall be subject to internationally recognized regulatory and prudential standards for Islamic and conventional finance, as set by the CBOS.
14.12 All financial institutions shall be bound to implement monetary policies set by the CBOS.

B. Borrowing:

14.13. The Government of Southern Sudan and the states/regions may borrow money based on their respective credit worthiness. Neither the National Government nor the CBOS shall be required or expected to guarantee borrowing by sub-national governments.
14.14 The GOSS and all sub-national governments shall report financial and fiscal data to the relevant National Government bodies for statistical purposes.
14.15 The Government of Southern Sudan and the states/regions may borrow money from foreign sources based on their respective credit worthiness.
14.16 Foreign borrowing by all sub-national governments shall be done in a manner that does not undermine national macroeconomic policies and shall be consistent with the objective of maintaining external financial viability. All sub-national governments' foreign borrowing transactions shall conform to the CBOS specifications.

15.0 Reconstruction and Development Funds

A. Southern Sudan Reconstruction and Development Fund (SSRDF)

15.1. There shall be established a Southern Sudan Reconstruction and Development Fund (SSRDF) to solicit, raise and collect funds from domestic and international donors and disburse such funds for the reconstruction and rehabilitation of the infrastructure of the South, for the resettlement and reintegration of internally and externally displaced persons, and to address past imbalances in regional development and infrastructure.
15.2. A monitoring and evaluation system shall be established to ensure accountability, transparency, efficiency, equity and fairness in the utilization of resources.
15.3. The Government of Southern Sudan shall be responsible for expenditure from the fund and shall be entitled to raise additional funds by way of donation from foreign States, multilateral organizations, or other bodies for the purposes of the reconstruction and development of the southern states/regions. The Fund shall be transparently administered and

professionally managed subject to an oversight committee appointed by the Government of Southern Sudan but having on it a representative of the National Ministry of Finance and of the National Audit Chamber.

B. National Reconstruction and Development Fund (NRDF)

15.4. There shall be established by the Treasury, a National Reconstruction and Development Fund (NRDF) having the mission of developing the war affected areas and least developed areas outside Southern Sudan and a steering committee with appropriate representation from such areas. A member of the Southern Sudan Ministry of Finance shall be a member of the Steering Committee. A report on the income, expenditure and the projects supported by the fund shall be placed before the National Assembly and the Council of States/Regions, which shall exercise oversight over the Fund.

C. Multi-Donor Trust Funds

15.5. The Parties recognize the need to establish, during the Pre-Interim Period, two Multi-Donor Trust Funds (MDTFs), one for the National Government and one for the Government of Southern Sudan to support urgent recurrent and investment budget costs under clearly stated criteria of
eligible financing components. The Trust Funds shall be operational for the Pre-Interim Period, and shall thereafter be transformed into (i) one MDTF dedicated to the Southern Sudan Reconstruction and Development Fund (the "SRRDF"); and (ii) one MDTF dedicated to the National
Reconstruction and Development Fund (the "NRDF").

15.6. The MDTFs shall commence immediately to support, among other things, priority areas of capacity building and institutional strengthening and quick start/impact programs identified by the Parties.

15.7. Both funds shall support urgent recurrent and investment budget costs under clearly stated criteria of eligible financing components, and both shall have the right to solicit, raise and collect funds from foreign donors.

15.8. All trust funds shall report the flow of funds to the CBOS.

15.9. To ensure proper accountability for funds disbursed through the MDTFs the Parties shall cause audits to be performed on funds used within six (6) months of the close of the recipient's financial year.

15.10. During the Pre-Interim as well as the Interim Period, funds may be channelled directly to finance activities beneficial to the National Government or the GOSS as the case may be.

15.11. During the Pre-Interim Period, the flow of foreign funds shall be through special accounts established in the Bank of Sudan for areas outside Southern Sudan and for Southern Sudan in a commercial bank in Southern Sudan until the Bank of Southern Sudan is established and operational. For the Interim Period: (i) the flow of foreign funds for the National Fund will go through the CBOS; and (ii) for the Southern Fund, the foreign funds will be disbursed through a special account at the Bank of Southern Sudan designated for the Government of Southern Sudan; or through arrangements as specified in the MDTF.

POWER SHARING AGREEMENT

26 May 2004

PART I

1.0 General Principles

1.1 In accordance with the Machakos Protocol agreed to at Machakos, Kenya, on 20th July, 2002, the following Protocol on Power Sharing forms an integral part of the overall Peace Agreement.

1.2 The Parties reaffirm their acceptance of the Agreed Principles (of Governance) as stipulated in the Machakos Protocol of 20th July, 2002. The modalities of implementation of these principles are the object of the present Protocol on Power Sharing.

1.3 In accordance with the Machakos Protocol, the structures of governments in the Sudan shall be as follows during the Interim Period:

1.3.1 The National level of Government which shall exercise authority so as to protect and promote the national sovereignty of Sudan and the welfare of its people;

1.3.2 The Southern Sudan level of Government which shall exercise authority in respect of the people and States in the South;

1.3.3 The States throughout Sudan which shall exercise authority at the state level and render public services through the level of government close to the people; and

1.3.4 The level of local government throughout the Sudan.

1.4 The Parties agree that the following principles shall guide the distribution of powers and the establishment of structures:

1.4.1 Recognition of both the sovereignty of the nation as vested in its people as well as the need for autonomy of the Government of Southern Sudan and States throughout the Sudan;

1.4.2 Affirmation of the need for both national as well as state and Southern Sudan norms and standards so as to reflect the unity of the country and the diversity of the Sudanese people;

1.4.3 Acknowledgement of the need to promote the welfare of the people and protect their human rights and fundamental freedoms;

1.4.4 Recognition of the need for the involvement and participation of the people of South Sudan at all levels of government and National institutions as an expression of the national unity of the country;

1.4.5 Pursuit of good governance, accountability, transparency, democracy, and the rule of law at all levels of government to achieve lasting peace;

1.4.6 Recognizing the need to legitimise the arrangements agreed to herein, fair electoral laws shall be adopted, including the free establishment of political parties. Elections at all levels of government shall be held by universal adult suffrage.

1.5 Principles of Administration and Inter-Governmental Linkages:

1.5.1 In the administration of the Government of National Unity, the following provisions shall be respected:

1.5.1.1 There shall be a decentralized system of government with significant devolution of powers, having regard to the National, Southern Sudan, State, and Local levels of government;

1.5.1.2 The Interim National Constitution, being the legal and constitutional framework text adopted as contemplated in paragraph 2.12.6 herein, shall be the Supreme Law of the land and the Southern Sudan Constitution, state constitutions, and the laws of all levels of government must comply with it;

1.5.1.3 The linkage between the National Government and the states in the Southern Sudan shall be through the Government of Southern Sudan, subject to paragraph 1.5.1.4 below, and as provided for in the Interim National Constitution and the Southern Sudan Constitution;

1.5.1.4 In their relationships with each other or with other government organs, all levels of government and particularly National, Southern Sudan, and State Governments shall:

(a) Respect each others' autonomy;
(b) Collaborate rather than compete, in the task of governing and assist each other in fulfilling each others' constitutional obligations;
(c) Perform their functions and exercise their powers in accordance with the provisions of this Agreement.
(d) Allow the harmonious and collaborative interaction of the different levels of government within the context of national unity and for the achievement of a better quality of life for all.

1.6 **Human Rights and Fundamental Freedoms:**
1.6.1 The Republic of the Sudan, including all levels of Government throughout the country, shall comply fully with its obligations under the international human rights treaties to which it is or becomes a party. These include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Slavery Convention of 1926, as amended, and the related Supplementary Convention, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the International Convention Against Apartheid in Sports, the Convention Relating to the Status of Refugees and the Related Protocol, and the African Charter on Human and People's Rights. The Republic of the Sudan should endeavor to ratify other human rights treaties which it has signed.
1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following:
1.6.2.1 **Life**
Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his/her life;
1.6.2.2 **Personal Liberty**
Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his/her liberty except on such grounds and in accordance with such procedures as are established by law;
1.6.2.3 **Slavery**
No one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited. No one shall be held in servitude or be required to perform forced or compulsory labour;
1.6.2.4 **Torture**
No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment;
1.6.2.5 **Fair Trial**
Anyone who is arrested shall be informed promptly of the reasons for his/her arrest; everyone shall be entitled to a fair and public hearing; everyone shall be presumed innocent until proved guilty; no one shall be held guilty of any criminal offence which did not constitute an offence at the time when it was committed; and everyone shall be entitled to be tried without undue delay, in his/her presence and to defend himself/herself.
1.6.2.6 **Privacy**
No one shall be subjected to arbitrary or unlawful interference with his/her privacy, family, home or
correspondence;
1.6.2.7 **Freedom of Thought, Conscience and Religion**
Everyone shall have the right to freedom of thought, conscience and religion;
1.6.2.8 **Freedom of Expression**
Everyone shall have the right to freedom of expression;
1.6.2.9 **Freedom of Assembly and Association**
The right of peaceful assembly shall be recognized.
1.6.2.10 **Family and Marriage**

The right of men and women of marriageable age to marry and to found a family shall be recognized.

1.6.2.11 **Right to Vote**

Every citizen shall have the right and the opportunity, without distinctions and unreasonable restrictions, to vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

1.6.2.12 **Equality Before the Law**

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law;

1.6.2.13 **Freedom from Discrimination**

The law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

1.6.2.14 **Freedom of Movement**

Everyone has the right to liberty of movement and freedom to choose his/her residence;

1.6.2.15 **The Rights of Children**

Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his/her status as a minor;

1.6.2.16 **Equal Rights of Men and Women**

The equal rights of men and women to the enjoyment of all civil and political rights shall be ensured.

1.7 **Reconciliation:**

The Parties agree to initiate a comprehensive process of national reconciliation and healing throughout the country as part of the peace building process. Its mechanisms and forms shall be worked out by the Government of National Unity.

1.8 **Population Census, Elections and Representation:**

1.8.1 Population census throughout the Sudan shall be conducted and completed by the end of the second year of the Interim Period;

1.8.2 The preparation, planning and organization for the census shall commence as soon as the Peace Agreement is signed;

1.8.3 General Elections at all levels of government shall be completed by the end of the third year of the Interim Period;

1.8.4 Six months before the end of the periods referred to in Sub-Paragraphs. 1.8.1 and 1.8.3 the Parties shall meet and review the feasibility of the dates set out in the above-mentioned sub-Paragraphs.

1.8.5 Certain considerations, while not conditional upon their completion, should be taken into account with respect to the timing of the elections (including, *inter alia*, resettlement, rehabilitation, reconstruction, repatriation, building of structures and institutions, and consolidation of the Peace
Agreement);

1.8.6 Whoever runs in any election must respect, abide by, and enforce the Peace Agreement;

1.8.7 International observers shall participate in the observation of elections;

1.8.8 Representation of the north and the south at the National level shall be based on population ratio;

1.8.9 The percentages agreed herein are temporary and shall either be confirmed or adjusted on the basis of the census results.

PART II

2.0 Institutions at the National Level:

2.1 During the Interim Period, the Institutions at the National level shall consist of:
2.1.1 The Legislature;
2.1.2 The Executive;
2.1.3 The Judiciary; and
2.1.4 The Institutions and Commissions specified in this Agreement and the Interim National Constitution.

2.2. **The National Legislature**:
2.2.1 There shall be a bicameral National Legislature comprised of:
2.2.1.1 A National Assembly; and
2.2.1.2 A Council of States.
2.2.2. In the establishment of the National Legislature, the following principles shall apply:
2.2.2.1. There shall be equitable representation of the people of South Sudan in both legislative chambers; and
2.2.2.2. Relevant considerations shall be taken into account in determining what constitutes equitable representation.
2.2.3 The National Legislature shall be structured and operate as follows:
2.2.3.1 The National Assembly shall be elected in accordance with the procedures set forth by an impartial and representative Electoral Commission and in accordance with fair electoral laws;
2.2.3.2 There shall be a Council of States comprised of two representatives from each state;
2.2.3.3 Free and fair elections for the National Assembly shall be conducted in accordance with the Interim National Constitution governing the Interim Period. The date shall be determined by the Parties signatory to this Agreement, after consulting with the Electoral Commission.
2.2.4 Pending the elections referred to above, the National Assembly shall consist of such members representing the Parties to the Agreement, and other forces in the North and South so as to promote inclusiveness sand stability, in such proportions to be determined by the parties prior to the conclusion of the Peace Agreement.
2.2.5 Prior to the Parliamentary elections, the seats of the National Assembly shall be allocated as follows:
(a) National Congress Party (NCP) shall be represented by Fifty Two Per Cent (52%);
(b) Sudan People's Liberation Movement (SPLM) shall be represented by Twenty Eight Per Cent (28%);
(c) Other Northern political forces shall be represented by Fourteen Per Cent (14%);
(d) Other Southern political forces shall be represented by Six Percent (6%);
2.2.6 Both Chambers of the National Legislature shall approve the allocation of resources and revenues, in accordance with the agreement of Wealth Sharing. The National Assembly shall approve the annual National budget.
2.2.7 Amendments to the National Constitution shall require:
2.2.7.1 The approval of three-quarters (75%) of all the members of each chamber, both chambers sitting separately, and only after introduction of the draft amendment at least two months prior to debate;
2.2.7.2 Amendments to the Interim National Constitution affecting the provisions of the Peace Agreement may be introduced only with the approval of both Parties signatory to this Agreement;
2.2.7.3 A sixty-six and two-thirds percent (66.6%) majority in the Council of States is required to pass legislation that affects the interests of the states and a simple majority vote of both chambers is required to pass all other legislation.
2.2.8 Any bill duly approved by the National Legislature shall be signed into law by the President within thirty (30) days, failing which it shall be deemed to have been so signed.

Where the President withholds his/her signature, he/she must present reasons for his/her refusal to so sign when re-introducing the bill to the National Legislature within the 30-day period stated herein. The Bill shall become law if the National Legislature again passes the bill by a two-thirds majority of all the members of the respective house or houses and the assent of the President shall not be required.
2.2.9. The exclusive legislative powers of the National Legislature shall be in respect of the matters set forth in Schedule A, annexed hereto.
2.2.10 The concurrent legislative powers of the National Legislature shall be those matters as set forth in Schedule D, read together with Schedule F, annexed hereto.
2.2.11 The residual legislative powers shall be exercised in accordance with Schedule E annexed hereto.
2.2.12 Both chambers of the National Legislature shall elect their respective Speakers, Deputy Speakers and other officers at their first sitting. The two Parties shall be adequately represented in these offices.
2.2.13 Both Chambers of the National Legislature shall respectively determine their own rules, procedures, committees, and other matters of a similar nature.

2.3. **The National Executive:**
2.3.1 The National Executive shall consist of the Presidency and a Council of Ministers.
2.3.2 There shall be established the Institution of the Presidency consisting of the President and two Vice Presidents.
2.3.3 The functions of the two Vice Presidents shall be clearly defined by the parties to this agreement.
2.3.4 There shall be a partnership and collegial decision-making process within the Institution of the Presidency in order to safeguard the Peace Agreement.
2.3.5 Until such time as elections are held, the current incumbent President (or his successor) shall be the President and Commander-in-Chief of the Sudan Armed Forces {SAF}. The current SPLM Chairman (or his successor) shall be the First Vice President and shall at the same time hold the posts of President of the Government of Southern Sudan (GOSS) and Commander-in-Chief of the Sudan People's Liberation Army (SPLA).
2.3.6 In respect of the following matters, the President shall take decisions with the consent of the First Vice President, namely: the declaration and termination of a state of emergency; declaration of war; appointments that the President is required to make according to the Peace Agreement (to be specified); and summoning, adjourning or proroguing the National Legislature.
2.3.7 The President shall be elected in national elections, the timing of which shall be subject to the agreement of the two parties. The President elect shall appoint two Vice Presidents, one from the South and the other from the North. If the President-elect is from the North, the position of the First Vice President shall be filled by the person who has been elected to the post of President of the Government of Southern Sudan, as the President's appointee to the said position. In the event that a person from the South wins the Presidential elections, the President-elect shall appoint the First Vice President from the North. All the other provisions in this agreement relating to the presidency shall continue to apply.
2.3.8 Should the post of the President fall vacant, the functions of the President shall be assumed by a Presidential Council comprising of the Speaker of the National Assembly, the First Vice President and the Vice President.
2.3.8.1 The Speaker of the National Assembly shall be Chairperson of the Council in the period prior to elections, after elections the First Vice President shall be the chairperson of the Council;
2.3.8.2 The Presidential Council shall take its decision by consensus;
2.3.8.3 The Vice President shall be Commander-in-Chief of the Sudan Armed Forces {SAF}.
2.3.9 Should the post of the President fall vacant in the period prior to elections, the Office of the President shall be filled by the nominee of the National Congress Party within two weeks.

2.3.10 Should the post of the President fall vacant in the period after the elections, the post shall be filled through presidential elections which shall be held within sixty {60} days.
2.3.11 Should the post of the First Vice President fall vacant:
2.3.11.1 Prior to elections, the office of the First Vice President shall be filled by the nominee of the SPLM within two weeks;
2.3.11.2 After the elections, the President shall appoint a First Vice President in accordance with the Interim National Constitution and the provisions of this Peace Agreement.
2.3. 12 The President shall, within 30 days of the entry into force of the Peace Agreement, and in consultation with the First Vice President, establish a Council of Ministers, having due regard to the need for inclusiveness and diversity in the establishment of a Government of National Unity. The Cabinet Ministers shall be accountable to the President and the National Assembly in the performance of their functions and may be removed by a resolution supported by two thirds
of all the members of the National Assembly.
2.3. 13 The President, the First Vice President and the Vice President shall be members of the Council of Ministers.
2.3. 14 The National Legislature shall be required to approve declarations of war or state of emergency, but in either event, there shall be no derogation from the provisions of the Peace Agreement, except as may be provided herein.
2.3. 15 Any Executive Orders or other legal acts by the President of the Republic shall be discussed with, and adopted by the Council of Ministers.

2.4 **National Capital:**
2.4.1 Khartoum shall be the Capital of the Republic of the Sudan. The National Capital shall be a symbol of national unity that reflects the diversity of Sudan.
2.4.2 The Administration of the National Capital shall be representative; and during the Interim Period the two Parties shall be adequately represented in the administration of the National Capital.
2.4.3 Human rights and fundamental freedoms as specified in the Machakos Protocol, and in the Agreement herein, including respect for all religions, beliefs and customs, shall be guaranteed and
enforced in the National Capital, as well as throughout the whole of Sudan, and shall be enshrined in the Interim National Constitution.
2.4.4 Law enforcement agencies of the Capital shall be representative of the population of Sudan and shall be adequately trained and made sensitive to the cultural, religious and social diversity of all Sudanese.
2.4.5 Without prejudice to the competency of any National Institution to promulgate laws, Judges and law enforcement agents shall, in dispensing justice and enforcing current laws in the National Capital be guided by the following:
2.4.5.1 Tolerance shall be the basis of coexistence between the Sudanese people of different cultures, religions and traditions;
2.4.5.2 Behaviour based on cultural practices and traditions which does not disturb public order, is not disdainful of other traditions, and not in flagrant disregard of the law or disturbing public order shall be deemed in the eyes of the law as an exercise of personal freedoms;
2.4.5.3 Personal privacy is inviolable and evidence obtained in violation of such privacy shall not be admissible in the court of law;
2.4.5.4 The judicial discretion of courts to impose penalties on non-Muslims shall observe the long-established legal {Sharia} principle that non-Muslims are not subject to prescribed penalties, and therefore remitted penalties shall apply;
2.4.5.5 Leniency and granting the accused the benefit of doubt are legal principles of universal application, especially in the circumstances of a poor society like the Sudan, which is just

emerging from war, characterized by prevalent poverty and subject to massive displacement of people.
2.4.6 A special commission shall be appointed by the Presidency to ensure that the rights of non-Muslims are protected in accordance with the aforementioned guidelines and not adversely affected by the application of Sharia Law in the Capital. The said commission shall make its observations and recommendations to the Presidency.
2.4.7 Additionally, a system of mechanisms of guarantees shall be established to operationalize the above points, which includes:
2.4.7.1 Judicial circulars to guide the courts as to how to observe the foregoing principles;
2.4.7.2 Establishment of specialized courts; and
2.4.7.3 Establishment of specialized Attorney General circuits to conduct investigations and pre-trial proceedings related to offences involving these principles.

2.5. **The Government of National Unity:**
2.5.1 During the Interim Period, there shall be a Government of National Unity reflecting the need for inclusiveness, the promotion of national unity, and the defense of national sovereignty, and the respect and implementation of Peace Agreement.
2.5.2 The Presidency and Council of Ministers shall exercise the Executive powers and competencies in respect of the matters in Schedules A and D, read together with Schedules E and F, and as conferred upon it by this Agreement and the Interim National Constitution.
2.5.3 Cabinet posts and portfolios in all clusters, including the National Sovereignty Ministries, shall be shared equitably and qualitatively by the two Parties. The Parties agree to cluster the National ministries under the implementation modalities.
2.5.4 Representation of the SPLM and other political forces from the South in each of the clusters shall be determined by the Parties Signatory to Agreement prior to the conclusion of the Peace
Agreement.
2.5.5 Prior to elections, the seats of the National Executive shall be allocated as follows:
(a) The National Congress Party shall be represented by Fifty Two Percent (52%);
(b) Sudan People's Liberation Movement (SPLM) shall be represented by Twenty Eight Per Cent (28%);
(c) Other Northern political forces shall be represented by Fourteen Per Cent (14%);
(d) Other Southern political forces shall be represented by Six Percent (6%);
2.5.6 The Government of National Unity shall be responsible for the administration and functioning of the State and the formulation and implementation of national policies in accordance with the Interim National Constitution.
2.5.7 The Government of National Unity shall be responsible for establishing recruitment systems and admission policies to national universities, national institutes, and other institutions of higher education based on fair competition, giving equal opportunity to all citizens.
2.5.8 The Government of National Unity shall make decisions related to the ongoing or future activities of the organizations of the United Nations, bilateral, national, or international governmental and nongovernmental organizations (NGOs), with a view toward ensuring equitable and transparent distribution of projects, activities, and employment of personnel in the whole of Sudan and especially the reconstruction of the war affected areas. There is to be an equivalent obligation on all levels of Government.
2.5.9. The Government of National Unity shall implement an information campaign throughout Sudan in all national languages in Sudan to popularise the Peace Agreement, and to foster national unity, reconciliation and mutual understanding.

2.6 **Civil Service:**

2.6.1 The Government of National Unity shall also ensure that the National Civil Service, notably at the senior and middle-levels, is representative of the people of Sudan. In so doing, the following
principles shall be recognized:
2.6.1.1 Imbalances and disadvantages which exist must be redressed;
2.6.1.2 Merit is important and training is necessary;
2.6.1.3 There must be fair competition for jobs in the National Civil Service;
2.6.1.4 No level of government shall discriminate against any qualified Sudanese citizen on the basis of religion, ethnicity, region, gender, or political beliefs;
2.6.1.5 The National Civil Service will fairly represent all the people of the Sudan and will utilize affirmative action and job training to achieve equitable targets for representation within an agreed time frame;
2.6.1.6 Additional educational opportunities shall be created for war-affected people.
2.6.2 In order to create a sense of national belonging and address imbalances in the National Civil Service, a National Civil Service Commission shall be established with the task of:
2.6.2.1 Formulating policies for training and recruitment into the civil service, targeting between Twenty – Thirty Percent (20% - 30%) of the positions, confirmed upon the outcome of the census referred to herein, for people of South Sudan who qualify;
2.6.2.2 Ensuring that not less than Twenty Percent (20%) of the middle and upper level positions in the National Civil Service (including the positions of Under Secretaries) are filled with qualified persons from the South within the first three years and achieving twenty Five Percent (25%) in five years and the final target figure referred to in subparagraph 2.6.2.1 above, within six years; and
2.6.2.3 Reviewing, after the first three years of the beginning of the Interim Period the progress made as a result of the policies and setting new goals and targets as necessary, taking into account the census results.

2.7 **National Security:**
2.7.1 The National Security Council:
2.7.1.1 There shall be at the National level a National Security Council, the composition and functions of which shall be determined by the law;
2.7.1.2 The National Security Council shall define the new national security strategy based on the analysis of the new security threats.
2.7.2 National Security Service:
2.7.2.1 There shall be one National Security Service. The details of its establishment shall be worked out under the implementation modalities;
2.7.2.2 The National Security Service shall be representative of the population and reflect the partnership of the negotiating Parties;
2.7.2.3 The South shall be equitably represented in the National Security Service;
2.7.2.4 The National Security Service shall be professional and its mandate shall be advisory and focused on information gathering and analysis;
2.7.2.5 There shall be established security committees at the Government of Southern Sudan and State levels, their composition and functions shall be determined by the law;
2.7.2.6 The National Security Service shall be anchored in the Presidency;
2.7.2.7 There shall be a National Security Act that shall reflect the mandate of the National Security Service and the provisions of this Agreement relating to the National Security;
2.7.2.8 That all the assets of the respective security organs of the two Parties shall accrue to the National Security Service.

2.8 **Language:**
2.8.1 All the indigenous languages are national languages which shall be respected, developed and promoted.
2.8.2 Arabic language is the widely spoken national language in the Sudan.

2.8.3 Arabic, as a major language at the national level, and English shall be the official working languages of the National Government business and languages of instruction for higher education.
2.8.4 In addition to Arabic and English, the legislature of any sub-national level of government may adopt any other national language(s) as additional official working language(s) at its level.
2.8.5 The use of either language at any level of government or education shall not be discriminated against.

2.9 **Foreign Policy:**
2.9.1 During the Interim Period, as a matter of principle Sudan's Foreign Policy shall serve first and foremost Sudan's national interests to achieve the following objectives:
2.9.1.1 Promotion of international cooperation, especially within the UN and other International and Regional Organizations for the consolidation of universal peace, respect of international law
and treaty obligations and the promotion of a just world economic order;
2.9.1.2 To achieve the latter, enhancement of South-South and international cooperation;
2.9.1.3 Striving to achieve African and Arab integration, each within the ongoing regional plans and forums as well as promoting African and Arab Unity and Afro-Arab cooperation;
2.9.1.4 Non-interference in the affairs of other states and promotion of good-neighbourliness and mutual cooperation among all Sudan's neighbours;
2.9.1.5 Combating international and transnational organized crimes and terrorism.

2.10 **Other Independent and/or National Institutions to be Established in Accordance with the Peace Agreement:**
2.10.1 The National Constitutional Review Commission, as detailed in Section 2.12 herein, shall also detail the mandate and provide for the appointment and other mechanisms to ensure the independence of the following institutions:
2.10.1.1 An impartial and representative National Electoral Commission;
2.10.1.2 A Human Rights Commission;
2.10.1.3 A National Judicial Service Commission;
2.10.1.4 A National Civil Service Commission;
2.10.1.5 An *ad hoc* Commission to monitor and ensure accuracy, legitimacy, and transparency of the Referendum as mentioned in the Machakos Protocol on Self-Determination for the People of South Sudan, which shall also include international experts;
2.10.1.6 A Fiscal and Financial Allocation and Monitoring Commission;
2.10.1.7 Any other independent commission/institution set forth in the Peace Agreement or as agreed upon by the Parties.
2.11 **The National Judiciary:**
2.11.1 The powers of the Judiciary shall be exercised by Courts and other tribunals. The Judiciary shall be independent of the Legislature and the Executive. Its independence shall be guaranteed in the Interim National Constitution.
2.11.2. There shall be established at the National Level:
2.11.2.1. A Constitutional Court;
2.11.2.2. A National Supreme Court;
2.11.2.3. National Courts of Appeal; and
2.11.2.4. Any other National Courts or tribunals as deemed necessary to be established by law.
2.11.3. The Constitutional Court shall be established in accordance with the provisions of this Peace Agreement and the Interim National Constitution. The decisions of the Court shall be final and binding.

2.11.4. The National Supreme Court shall be a court of review and cassation in respect of any criminal or civil matter arising out of or under national laws and may establish panels for the purposes of considering and deciding appeals on matters requiring special expertise.

2.12 **Constitutional Review Process:**
2.12.1 The Peace Agreement shall be signed by the leaders of the two Parties.
2.12.2 Upon signature, the Parties shall be bound by the Agreement and shall assume the obligations arising there from, more especially the obligations to implement the Agreement and to give legal and constitutional effect to the arrangements agreed therein.
2.12.3 Upon signature the Parties commit themselves to ensure that all the organs, committees and structures under their control, including their members, shall observe the terms of the Agreement.
2.12.4 After the Agreement has been signed:
2.12.4.1 The text thereof shall be forwarded to the National Assembly and the SPLM National Liberation Council for approval as is;
2.12.4.2 A representative National Constitutional Review Commission shall be established, as is more fully described below, which shall within six (6) weeks of receipt of the Agreement prepare a Legal and Constitutional Framework ("The Constitutional Text");
2.12.4.3 The National Constitutional Review Commission shall be comprised of the NCP, SPLM and representatives of such other political forces and civil society as agreed by the Parties. Such composition shall be reflected in the final Peace Agreement.
2.12.5 The National Constitutional Review Commission shall have as its first task the preparation of a Legal and Constitutional Framework text in the constitutionally appropriate form, based on the Peace Agreement and the current Sudan Constitution, for adoption by the National Assembly. The same text shall be presented to the SPLM National Liberation Council for adoption. In the event of a contradiction, the terms of the Peace Agreement shall prevail in so far as that contradiction exists.
2.12.6 Without prejudice to the provisions of 2.12.5 above, the National Constitutional Review Commission in the preparation of the Legal and Constitutional Framework Text, shall draw upon relevant experiences and documents as may be presented by the Parties.
2.12.7 Upon adoption by the National Assembly and the SPLM National Liberation Council, the Constitutional Text shall become the Interim National Constitution for the Sudan during the Interim Period.
2.12.8 Pending the adoption of the Constitutional Text, the Parties agree that the legal status quo in their respective areas shall remain in force.
2.12.9 The National Constitutional Review Commission shall also be required to prepare such other legal instruments as is required to give effect to the Peace Agreement. It shall provide in such draft statutes or in the Constitutional Text for the appointment and other mechanisms to ensure the independence of such National Institutions as are referred to in Section 2.10 herein.
2.12.10 Without prejudice to the provisions of the Peace Agreement, as a subsequent task and during the course of the six-year Interim Period, the National Constitutional Review Commission shall be responsible for organizing an inclusive Constitutional Review Process. The process must provide for political inclusiveness and public participation.
2.12.11 Without prejudice to the functions of the State Legislatures, the National Constitutional Review Commission shall prepare model Constitutions for the States, subject to compliance with the National Constitution, and, as relevant, the Constitution of Southern Sudan.

PART III
3.0 **Government of Southern Sudan:**
3.1 In respect of the Southern Sudan, there shall be a Government of Southern Sudan {GOSS}, as per the borders of 1/1/56, which shall consist of:

3.1.1 The Legislature of Southern Sudan;
3.1.2 The Executive of Southern Sudan;
3.1.3 The Judiciary of Southern Sudan;
3.2 The Government of Southern Sudan shall function in accordance with a Southern Sudan Constitution, which shall be drafted by an inclusive Southern Sudan Constitutional Drafting Committee and adopted by the Transitional Assembly of Southern Sudan by a two-thirds majority of all members. It shall conform with the Interim National Constitution.
3.3 The powers of the Government of Southern Sudan shall be as set forth in Schedules B and D, read together with Schedules E and F, the Interim National Constitution, Southern Sudan Constitution, and the Peace Agreement.
3.4 A primary responsibility of the Government of Southern Sudan will be to act as an authority in respect of the States of Southern Sudan, to act as a link with the National Government and to ensure that the rights and interests of the people of Southern Sudan are safeguarded during the Interim Period.

3.5 **Legislature of Southern Sudan:**
3.5.1 Pending the elections, the First Southern Sudan Assembly shall be an inclusive, constituent legislature comprised of:
3.5.1.1 The SPLM shall be represented by Seventy Percent (70%);
3.5.1.2 The NCP shall be represented by Fifteen Percent (15%);
3.5.1.3 The other Southern political forces shall be represented by Fifteen Percent (15%).
3.5.2 The Southern Sudan Assembly shall, in accordance with the Constitution adopted by it, provide for the election of its Speaker and other office holders.
3.5.3 When enacting the Constitution of Southern Sudan, the Assembly of Southern Sudan shall be empowered to assign such powers as set forth in Schedules B and D, read together with Schedules E and F, to the Government of Southern Sudan.
3.5.4 The Southern Sudan Constitution shall make provision for the Assembly of Southern Sudan to be re-constituted through elections in accordance with the provisions herein related to the timing of general elections. The Constitution of the Southern Sudan shall also make provision for the election of the President and appointment of the Vice President of the Government of Southern Sudan. Such elections shall be in accordance with the provisions set forth by the National Electoral Commission specified in sub-paragraph 2.10.1.1 herein.
3.5.5 The Assembly of Southern Sudan may amend the Constitution of the Southern Sudan by a two-thirds majority vote of all members.
3.5.6 Apart from applicable national legislation, legislative authority in Southern Sudan shall be vested in the Assembly of Southern Sudan. It shall establish its own offices, committees and rules of procedure. It shall elect a Speaker and Deputy Speaker and other officers at its first meeting.

3.6 **The Southern Sudan Executive:**
3.6.1 An Executive Council of Ministers appointed by the President of the Government of Southern Sudan, in consultation with his/her Vice President and approved by the Assembly of Southern Sudan, shall be established in accordance with the Southern Sudan Constitution. The Executive Council of Ministers shall be accountable to the President of the Government of Southern Sudan and the Southern Sudan Assembly in the performance of their functions and may be removed by a motion supported by two-thirds of all the members of the Southern Sudan Assembly.
3.6.2 The Executive Authority of Southern Sudan shall establish such independent institutions as the Peace Agreement, the Interim National Constitution and the Southern Sudan Constitution contemplate. It shall be empowered to establish such further commissions and institutions compatible with its powers as it deems necessary to promote the welfare of its people, good governance and justice.

3.6.3 The Government of Southern Sudan shall be established with due regard to the need for inclusiveness.
3.6.4 Prior to elections, the Government of Southern Sudan shall be allocated as follows:
3.6.4.1 The SPLM shall be represented by Seventy Percent (70%);
3.6.4.2 The NCP shall be represented by Fifteen Percent (15%);
3.6.4.3 The other Southern political forces shall be represented by Fifteen Percent (15%).
3.6.5 The Government of Southern Sudan shall discharge its obligations and exercise such rights and powers in regard to administration, security, financial, and development issues as is set forth in the Southern Sudan Constitution, the Interim National Constitution, the Peace Agreement and any other agreement relating to the reconstruction and development of the Southern Sudan.
3.6.6 (a) Should the post of the President of GOSS fall vacant, and pending the nomination and swearing in of the new President, the functions of the President shall be assumed by the Vice President of GOSS;
(b) Should the post of the President of GOSS fall vacant in the period prior to elections, the Office of the President of GOSS shall be filled by a nominee of the SPLM within two weeks;
(c) Should the post of the President fall vacant in the period after the elections, the post shall be filled through elections which shall be held within sixty (60) days.

3.7 **The Judiciary of Southern Sudan:**
3.7.1 There shall be at the Southern Sudan Level:
3.7.1.1 A Supreme Court of Southern Sudan;
3.7.1.2 Courts of Appeal; and
3.7.1.3 Any such other courts or tribunals as deemed necessary to be established in accordance with the Southern Sudan Constitution and the law.
3.7.2 The Constitution of Southern Sudan shall provide for a Supreme Court for Southern Sudan which shall be the highest court in the South and to which appeals may lie from Southern state courts or other Courts of Southern Sudan on matters brought under or relating to Southern state, Southern Sudan or National law, as may be determined by the Constitution of Southern Sudan.
3.7.3 The Southern Sudan Supreme Court shall:
3.7.3.1 Be the court of final judicial instance in respect of any litigation or prosecution under Southern State or Southern Sudan law, including statutory and customary law, save that any decisions arising under National Laws shall be subject to review and decision by the National Supreme Court;
3.7.3.2 Have original jurisdiction to decide on disputes that arise under the Constitution of Southern Sudan and the constitutions of Southern Sudan states at the instance of individuals, juridical entities or of government;
3.7.3.3 Adjudicate on the constitutionality of laws and set aside or strike down laws or provisions of laws that contradict the Constitution of Southern Sudan or the constitutions of Southern Sudan states;
3.7.3.4 Be a court of review and cassation in respect of any criminal or civil matter arising out or under Southern Sudan Laws;
3.7.3.5 Have criminal jurisdiction over the President and Vice President of the Government of Southern Sudan and the Speaker of Southern Sudan Legislature;
3.7.3.6 Review death sentences imposed by Southern Sudan courts in respect of matters arising out of or under Southern Sudan Laws;
3.7.3.7 Have such other jurisdictions as determined by Southern Sudan Constitution, the Peace Agreement and the Law.
3.7.4 Judges of the Courts of Southern Sudan shall perform their functions without political interference, shall be independent, and shall administer the law without fear or favor. The provisions of the Southern Sudan Constitution and the Law shall protect their independence.

3.7.5 Without prejudice to Sub-Para. 2.11.4.4, the Legislature of Southern Sudan shall provide for appointments, terms of service and dismissal of Southern Sudan appointed Judges.

PART IV

4. **Institutions at the State Level**

4.1 The Institutions at the State level shall consist of:
4.1.1 The State Legislature;
4.1.2 The State Executive; and
4.1.3 The State Judiciary.
4.2 There shall be legislative, executive, and judicial institutions at state level which shall function in accordance with this Agreement, the Interim National Constitution and, in respect of the states of Southern Sudan, also with the Constitution of Southern Sudan.
4.3 Local Government is an important level of Government and its election, organization and proper functioning shall be the responsibility of the states, in accordance with the relevant state constitution.

4.4 **The State Legislature:**

4.4.1 There shall be a State Legislature comprised of members elected in accordance with the electoral provisions herein and as set forth by the National Electoral Commission referred to in sub-paragraph 2.10.1.1 herein.
4.4.2 Pending the elections referred to in sub-article 4.4.1 herein, the composition of the state legislatures shall be comprised as follows:
4.4.2.1. The NCP is to hold Seventy Percent (70%) in the Northern states, and the SPLM Seventy Percent (70%) in the Southern states;
4.4.2.2. The remaining Thirty Percent (30%) in the Northern and the Southern states shall be allocated as follows:
(i) Ten Percent (10%) in the Southern states to be filled by the NCP;
(ii) Ten Percent (10%) in the Northern states to be filled by the SPLM; and
(iii) Twenty Percent (20%) in the Northern and Southern states to be filled by representatives of other Northern and Southern political forces respectively.
4.4.3. The elections referred to in sub-article 4.4.1. herein shall take place on the same date as the elections for the National Assembly referred to in Section 1.8.3.
4.4.4. The state legislatures shall prepare and adopt state constitutions provided that they are in conformity with the National Constitution, the Peace Agreement, and for Southern States, also in conformity with the Constitution of Southern Sudan.
4.4.5. The State Legislature shall have law-making competency in respect of the functional areas listed in Schedules C and D, read together with Schedules E and F.
4.4.6. Members of the State Legislature and the State Council of Ministers, including the Governor, shall have such immunities as are provided by law.
4.4.7. The State Legislature shall decide its own rules, procedures, and committees, and elect its Speaker and other officers.

4.5 **The State Executive:**

4.5.1 Prior to elections the state executives shall be allocated as follows:
4.5.1.1 The NCP is to hold Seventy Percent (70%) in the Northern states, and the SPLM Seventy Percent (70%) in the Southern states;
4.5.1.2 The remaining Thirty Percent (30%) in the Northern and the Southern states shall be allocated as follows:
(i) Ten Percent (10%) in the Southern states to be filled by the NCP;
(ii) Ten Percent (10%) in the Northern states to be filled by the SPLM; and
(iii) Twenty Percent (20%) in the Northern and Southern states to be filled by representatives of other Northern and Southern political forces, respectively.

4.5.2 As part of the Ten Percent (10%) share of the NCP in Southern states the two Parties agreed as follows:
(i) The Governor of one Southern State shall be a nominee of the NCP;
(ii) One Deputy Governor in a different Southern State shall be a nominee of the NCP.
4.5.3 The States' Council of Ministers shall be appointed by the Governor in accordance with the State Constitution, having regard to the need for inclusiveness. The State Ministers shall be accountable to the Governor and the State Legislature in the performance of their functions and may be removed by the Governor on a motion supported by two-thirds of all the members of the State Legislature.
4.5.4 The Governor shall, together with the States' Council of Ministers appointed by him/her, exercise the executive powers of the state which shall be in respect of the functional areas listed in Schedules C and D, read together with Schedules E and F, and such other executive competencies as are conferred upon the State by the Interim National Constitution, the Southern Sudan Constitutions, the State Constitutions, and the Peace Agreement.
4.5.5 State Governors must sign any law duly approved by the State Legislature, failing which, after thirty (30) days it shall be deemed to have been signed into law by the State Governor. Where the State Governor withholds his/her signature, he/she must present reasons for his/her refusal to so sign when re-introducing the bill to the State Legislature within the 30-day period stated within. The Bill shall become law if the State Legislature again passes the bill by two-thirds majority of all the members and the assent of the Governor shall not be required.

4.6 **State Judicial Institutions:**
4.6.1 The State Constitutions shall provide for the establishment of such state courts by the State Judiciary as necessary.
4.6.2 State legislation must provide for:
4.6.2.1 The appointment and dismissal of State-appointed judges (lay magistrates); and
4.6.2.2 Guarantees of the independence and impartiality of the judiciary and ensure that judges shall not be subject to political or other interference.
4.6.3 State Courts shall have civil and criminal jurisdiction in respect of State, Southern Sudan, and National Laws, save that a right of appeal shall lie as provided in this Agreement.
4.6.4 Notwithstanding sub-paragraph 4.6.3, the National Legislature shall determine the civil and criminal procedures to be followed in respect of litigation or prosecution under National laws in accordance with the Interim National Constitution.
4.6.5 The structures and powers of the Courts of the States of Southern Sudan shall be subject to the provisions of this Agreement and the Constitution of Southern Sudan.

PART V: SCHEDULES
SCHEDULE A: National Powers
Exclusive competencies (Legislative and Executive Powers) of the National Government.
1. National Defense and National Security and Protection of the National Borders;
2. Foreign Affairs and International Representation;
3. Nationality and Naturalization;
4. Passports and Visas;
5. Immigration and Aliens;
6. Currency, Coinage and Exchange Control;
7. Constitutional Court and such National Courts responsible for enforcing or applying National laws;
8. National Police (including Criminal Investigation Department - CID}, Coordination of International, Regional and bilateral Criminal Matters, and Standards and Regulations including the standards for training the police in the National Capital);
9. The fixing of and providing for salaries and allowances of civil and other officers of the National Government;

10. Postal Services;
11. Civil Aviation;
12. Maritime shipment;
13. Beacons;
14. Navigation and Shipment;
15. National Lands and National natural resources;
16. Central Bank, the Incorporation of National banks and issuing of paper money;
17. Bills of Exchange and Promissory Notes;
18. Weights, Measures and Standards, Dates and Standards of Time;
19. Meteorology;
20. Establishment and Maintenance of National Prisons;
21. National Institutions as envisaged under the Peace Agreement or as set forth in the Interim National Constitution;
22. Customs, Excise and Export Duties;
23. Intellectual Property Rights, including Patents and Copyright;
24. National Flag, National Emblem and National Anthem;
25. Signing of International Treaties on behalf of the Republic of Sudan;
26. National Debt and borrowing on public credit;
27. National Census, National Surveys and National Statistics;
28. National States of Emergency;
29. International and Inter-State Transport, including roads, airports, waterways, harbours and railways;
30. National Public Utilities;
31. National Museums and National Heritage Sites;
32. National Economic Policy and Planning;
33. Nile Water Commission, the management of the Nile Waters, trans-boundary waters and disputes arising from the management of interstate waters between Northern states and any dispute between Northern and Southern states;
34. National information, publications, telecommunications regulations;
35. National Taxation and National Revenue Raising;
36. National Budget;
37. Laws providing for National elections and their supervision by the Electoral Commission;
38. Issuance of National ID Card.

SCHEDULE B: Powers of the Government of Southern Sudan

The exclusive legislative and executive powers of the Government of Southern Sudan shall be:

1. The adoption and amendment of the Constitution of the Government of Southern Sudan (subject to compliance with the Interim National Constitution);
2. Police, Prisons and Wildlife Services;
3. Security and military forces during the Interim Period (subject to Agreement on Security Arrangements);
4. Legislation relating to the Government of Southern Sudan structures for the delivery of services at all levels of Government of Southern Sudan;
5. Borrowing of money on the sole credit of the Government of Southern Sudan within the national macro-economic policy;
6. Planning for Southern Sudan Government services including health, education, and welfare, etc;
7. The appointment, tenure and payment of Government of Southern Sudan (GOSS) officers and civil servants;
8. Development of financial resources for the Government of Southern Sudan;
9. The co-ordination of Southern Sudan services or the establishment of minimum Southern Sudan standards or the establishment of Southern Sudan uniform norms in respect of any

matter or service referred to in Schedule C or Schedule D, read together with Schedule E, with the exception of Item 1 of Schedule C, including but not limited to, education, health, welfare, police (without prejudice to the National Standards and Regulations), prisons, state public services, such authority over civil and criminal laws and judicial institutions as is specified in the Schedules, lands, reformatories, personal law, intra-state business, commerce and trade, tourism, environment, agriculture, disaster intervention, fire and medical emergency services, commercial regulation, provision of
electricity, water and waste management services, local Government, animal control and veterinary services, consumer protection, and any other matters referred to in the above Schedules;
10. Any power that a State or the National Government requests it to exercise on its behalf, subject to the agreement of the Government of Southern Sudan or that for reasons of efficiency the Government of Southern Sudan itself requests to exercise in Southern Sudan and that other level agrees;
11. Referenda in Southern Sudan on matters affecting Southern Sudan as a whole within the competencies of Southern Sudan Government;
12. Taxation and revenue raising in Southern Sudan as a whole;
13. Southern Sudan Budget, subject to the agreement on Wealth Sharing;
14. GOSS Public utilities;
15. GOSS flag, emblem;
16. Reconstruction and development of the Southern Sudan as a whole, subject to the provisions of the Wealth Sharing Agreement;
17. GOSS information, publications, media and telecommunications utilities;
18. Rehabilitation and benefits to disabled war veterans, orphans, widows and care for the dependents of deceased war fallen heroes;
19. Any matter relating to an item referred to in schedule D that cannot be dealt with effectively by a single State and requires GOSS legislation or intervention including, but not limited to the following:
19.1. Matters relating to businesses, trade licenses and conditions of operation;
19.2. Natural resources and forestry;
19.3. Town and rural planning;
19.4 Disputes arising from the management of interstate waters strictly within Southern Sudan;
19.5. Fire fighting and ambulance services;
19.6. GOSS reformatory institutions;
19.7. Firearm licenses within Southern Sudan; and
19.8. GOSS recreation and sports.
20. Such matters relating to taxation, royalties and economic planning as is specified in the Agreement on Wealth Sharing as a matter or matters in regard to which the Government of Southern Sudan is accorded exclusive authority;
21. Southern Sudan census and statistics within the competence of the Southern Sudan Government;
22. Issuance of identity cards within Southern Sudan, driving licenses and other appropriate documentation.

SCHEDULE C: Powers of the States
Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out hereunder:
1. The Constitution of the State, subject to compliance with the National Constitution, and, as relevant, the Constitution of Southern Sudan;
2. State Police, prisons;
3. Local Government;
4. State information, state publications and state media;

5. Social Welfare including State pensions;
6. The Civil Service at the State level;
7. The State Judiciary and administration of justice at State level including maintenance and organization of State Courts, and subject to national norms and standards, civil and criminal procedure;
8. State Land and State Natural Resources;
9. Cultural matters within the State;
10. Regulation of religious matters subject to the National Constitution and the Peace Agreement;
11. Internal and external borrowing of money on the sole credit of the State within the National macro-economic framework;
12. The establishment, tenure, appointment, and payment of State officers;
13. The management, lease and utilization of lands belonging to the State;
14. The establishment, maintenance and management of reformatory institutions;
15. The establishment, regulation, and provision of health care, including hospitals and other health institutions;
16. Regulation of businesses, trade licenses, working conditions, hours, and holidays within the State;
17. Local works and undertakings;
18. Registration of marriage, divorce, inheritance, births, deaths, adoption and affiliations;
19. Enforcement of State laws;
20. Statutes enacted under the Penal Law power, save for the penalization for the breach of National laws relating to the national competencies;
21. The development, conservation and management of State natural resources and State forestry resources;
22. Primary and secondary schools and education administration in regard thereto;
23. Laws in relation to Agriculture within the State;
24. Airstrips other than international and national airports within civil aviation regulations;
25. Intrastate public transport and roads;
26. Population policy and family planning;
27. Pollution control;
28. State statistics, and State surveys;
29. State referenda;
30. Charities and endowment;
31. Quarrying regulations, (subject to the Agreement on Wealth Sharing);
32. Town and rural planning;
33. State cultural and heritage sites, State libraries, State museums, and other historical sites;
34. Traditional and customary law;
35. State finances;
36. State irrigation and embankments;
37. State Budget;
38. State archives, antiquities, and monuments;
39. Direct and indirect taxation within the State in order to raise revenue for the State;
40. State public utilities;
41. Vehicle licensing;
42. Fire fighting and ambulance services;
43. Recreation and sport within the State;
44. Firearms Licenses;
45. Flag and emblem.

SCHEDULE D: Concurrent Powers

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period:
1. Economic and Social Development in Southern Sudan;
2. Legal and other professions and their associations;
3. Tertiary education, education policy and scientific research;
4. Health policy;
5. Urban development, planning and housing;
6. Trade, commerce, Industry and industrial development;
7. Delivery of public services;
8. Banking and insurance;
9. Bankruptcy and insolvency;
10. Manufacturing licenses;
11. Airports only with respect to the GOSS in accordance with Civil Aviation standards and regulations;
12. River transport;
13. Disaster preparedness, management and relief and epidemics control;
14. Traffic regulations;
15. Electricity generation and water and waste management;
16. Information, Publications, Media, Broadcasting and Telecommunications;
17. Environmental management, conservation and protection;
18. Relief, Repatriation, Resettlement, Rehabilitation and Reconstruction;
19. Without prejudice to the National Regulation, and in the case of Southern States, the regulation of Southern Sudan Government, the initiation, negotiation and conclusion of International and Regional Agreements on culture, sports, trade, investment, credit, loans, grants and technical
assistance with foreign governments and foreign non-governmental organizations;
20. Financial and economic policies and planning;
21. Women's empowerment;
22. Gender policy;
23. Animal and livestock control, animal diseases, pastures and veterinary services;
24. Consumer safety and protection;
25. Residual powers, subject to schedule E;
26. Mother, Child protection and care;
27. Water Resources other than interstate waters;
28. Notwithstanding Schedules A, B and C, such matters relating to taxation, royalties and economic planning as specified in the Agreement on Wealth Sharing;
29. Southern Sudan and State Courts responsible for enforcing or applying National laws;
30. Such matters relating to taxation, royalties and economic planning as is specified in the Agreement on Wealth Sharing as a matter or matters in regard to which the Government of Southern Sudan is accorded concurrent authority;
31. Human and animal drug quality control.

SCHEDULE E: Residual Powers
The residual powers shall be dealt with according to its nature (e.g., if the power pertains to a national matter, requires a national standard, or is a matter which cannot be regulated by a single state, it shall be exercised by the National Government. If the power pertains to a matter that is usually exercised by the state or local government, it shall be exercised by the state). Where a matter is susceptible to Southern Sudan regulation, in respect of the states of Southern Sudan, it shall be exercised by the Government of Southern Sudan.

SCHEDULE F: Resolution of Conflicts in Respect of Concurrent Powers:

If there is a contradiction between the provisions of Southern Sudan law and/or a State law and/or a National law, on the matters referred in Schedule D, the law of the level of government which shall prevail shall be that which most effectively deals with the subject matter of the law, having regard to:

1. The need to recognize the sovereignty of the Nation while accommodating the autonomy of Southern Sudan or of the States;
2. Whether there is a need for National or Southern Sudan norms and standards;
3. The principle of subsidiaries;
4. The need to promote the welfare of the people and to protect each person's human rights and fundamental freedoms.

THE RESOLUTION OF THE ABYEI CONFLICT

26 May 2004

Principles of Agreement on Abyei

1.1 In General

1.1.1 Abyei is a bridge between the north and the south, linking the people of Sudan;
1.1.2 The territory is defined as the area of the nine Ngok Dinka chiefdoms transferred to Kordofan in 1905;
1.1.3 The Misseriya and other nomadic peoples retain their traditional rights to graze cattle and move across the territory of Abyei.

1.2 Interim Period:

Upon signing the peace agreement, Abyei will be accorded special administrative status, in which:
1.2.1 Residents of Abyei will be citizens of both Western Kordofan and Bahr el Ghazal, with representation in the legislatures of both states;
1.2.2 Abyei will be administered by a local Executive Council, elected by the residents of Abyei. Pending the election of the Executive Council, its initial members will be appointed by the Presidency;
1.2.3 Net oil revenues from Abyei will be divided six ways during the Interim Period: the National Government (50 percent); the Government of Southern Sudan (42 percent); Bahr el Ghazal región (2 percent); Western Kordofan (2 percent); locally with the Ngok Dinka (2 percent); and locally with the Misseriya people (2 percent);
1.2.4 The National Government will provide Abyei with assistance to improve the lives of the peoples of Abyei, including urbanization and development projects;
1.2.5 International monitors will be deployed to Abyei to ensure full implementation of these agreements.

1.3 End of Interim Period:

Simultaneously with the referendum for southern Sudan, the residents of Abyei will cast a separate ballot. The proposition voted on in the separate ballot will present the residents of Abyei with the following choices, irrespective of the results of the southern referendum:
a. That Abyei retain its special administrative status in the north;
b. That Abyei be part of Bahr el Ghazal.
1.4 The January 1, 1956 line between north and south will be inviolate, except as agreed above.

2. ADMINISTRATIVE STRUCTURE:

2.1 Upon signing the Peace Agreement, Abyei Area shall be accorded special administrative status under the institution of the Presidency.
2.2 Abyei area shall be administered by a local Executive Council, elected by the residents of Abyei. Pending the election of the Executive Council, its initial members shall be appointed by the Presidency.
2.3 The administration of the Abyei Area shall be representative and inclusive of all the residents of the area.
2.4 The Executive Council shall be composed of the Chief Administrator, his/her Deputy and not more than five heads of departments. Prior to elections, the Chief Administrator and his/her Deputy shall be appointed by the Presidency. The Chief Administrator shall make recommendations to the Presidency regarding the appointments of the heads of departments.

2.5 The Executive Council, in exercise of its executive powers, shall:
2.5.1 render necessary services;
2.5.2 supervise and promote security and stability in the area;
2.5.3 Propose development and urbanization projects for the area to both the Abyei Area Council and to the Presidency;
2.5.4 Present to the National Government proposals regarding the provision of assistance to improve the lives of the peoples of Abyei, including urbanization and development;
2.6 The Presidency, upon the recommendation of the Executive Council, shall determine the executive, legislative and financial powers and competencies of the special status of Abyei Area, having regard to this protocol, other protocols, agreements, and the Comprehensive Peace Agreement.
2.7 In view of the special status of Abyei Area, the Presidency shall apply to the Judiciary to establish courts for Abyei Area as deemed appropriate.

3. FINANCIAL RESOURCES:
3.1 Without prejudice to the provisions of the Wealth Sharing Agreement, the net-oil revenue from the oil produced in Abyei Area shall be shared during the Interim Period as follows:
3.1.1 Fifty Percent (50%) to the National Government;
3.1.2 Forty Two Percent (42%) to the Government of Southern Sudan;
3.1.3 Two Percent (2%) to Bahr el Ghazal Region;
3.1.4 Two Percent (2%) to Western Kordofan;
3.1.5 Two Percent (2%) locally with the Ngok Dinka;
3.1.6 Two Percent (2%) locally with the Misseriya people.
3.2 In addition to the above financial, resources, Abyei Area shall be entitled to:
3.2.1 The area share of the national revenue as per the Wealth Sharing Agreement;
3.2.2 The revenues raised in the Abyei Area from Income Tax and other taxes and levies;
3.2.3 The share of the Area in the National Reconstruction and Development Fund;
3.2.4 An equitable share of Southern Sudan Development and Reconstruction Fund;
3.2.5 Allocations from the National Government to cover the cost of establishment of the new administration, its running and provision of services;
3.2.6 Donations and grants.
3.3 There shall be established, under the Executive Council, Abyei Resettlement, Construction and Development Fund to handle relief, repatriation, resettlement, reintegration, rehabilitation and reconstruction programmes in the Area. The Fund may establish specialized agencies.
3.4 The National Government shall appeal to the international and donor community to facilitate the return and resettlement of the residents of Abyei Area.
3.5 The financial resources due to Abyei Area as provided in section 3 herein shall be deposited in special accounts, acceptable to the Presidency, from which the administration of the Area shall make withdrawals.

4. PUBLIC PARTICIPATION:
4.1 There shall be established Abyei Area Council comprised of not more than twenty members.
4.2 Prior to elections, the Presidency shall appoint the members of the Abyei Area Council.
4.3 The Abyei Area Council shall:
4.3.1 Issue local enactments within the powers of local government and on customary matters;
4.3.2 Approve the budget of the Area;
4.3.3 Adopt reconstruction, development and urbanization plans for the Area;
4.3.4 If necessary, recommend to the Presidency the relief of the Chief Administrator or his/her Deputy;
4.3.5 Participate in the promotion of reconciliation efforts in the Area.

5. DETERMINATION OF GEOGRAPHIC BOUNDARIES:

5.1 There shall be established by the Presidency, Abyei Boundaries Commission (ABC) to define and demarcate the area of the nine Ngok Dinka Chiefdoms transferred to Kordofan in 1905, referred to herein as Abyei Area.

5.2 The composition and timeframe of the Abyei Boundaries Commission (ABC) shall be determined by the Presidency. However, the Commission shall include, *inter alia*, experts, representatives of the local communities and the local administration. The Commission shall finish its work within the first two years of the Interim Period.

5.3 The Abyei Boundaries Commission (ABC) shall present its final report to the Presidency as soon as it is ready. Upon presentation of the final report, the Presidency shall take necessary action to put the special administrative status of Abyei Area into immediate effect.

6. RESIDENTS OF THE AREA:

6.1 The residents of Abyei Area shall be:

(a) The Members of Ngok Dinka community and other Sudanese residing in the area;

(b) The criteria of residence shall be worked out by the Abyei Referendum Commission.

6.2 Residents of Abyei shall be citizens of both Western Kordofan and Bahr el Ghazal with representation in the legislatures of both States as determined by the National Electoral Commission. However, prior to elections, the Presidency shall determine such representation.

7. SECURITY ARRANGEMENTS:

7.1 There shall be established Abyei Area Security Committee, chaired by the Chief Administrator, and shall comprise of the Deputy Chief Administrator, the Army Commander, the Police Chief, and the representative of the Security Organ.

7.2 Without prejudice to the Agreement on Security Arrangements, the two Parties shall, through the Interim Period form and deploy one joint battalion in the Area.

7.3 International monitors, as shall be agreed in the comprehensive Cease fire Agreement shall also be deployed in the Area through the Interim Period.

7.4 International monitors shall be deployed to Abyei to ensure full implementation of these Agreements.

8. ABYEI REFERENDUM COMMISSION

8.1 There shall be established by the Presidency an Abyei Referendum Commission to conduct Abyei referendum simultaneously with the referendum of Southern Sudan. The composition of the Commission shall be determined by the Presidency.

8.2 The residents of Abyei shall cast a separate ballot. The proposition voted on in the separate ballot shall present residents of Abyei with the following choices; irrespective of the results of the Southern referendum:

a. That Abyei retain its special administrative status in the north;

b. That Abyei be part of Bahr el Ghazal.

8.3 The January 1, 1956 line between north and south shall be inviolate, except as agreed above.

9. RECONCILIATION PROCESS

Upon signing the Comprehensive Peace Agreement, the Presidency shall, as a matter of urgency, start peace and reconciliation process for Abyei that shall work for harmony and peaceful co-existence in the Area.

THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES

26 May 2004

1. **General Principles:**
The Parties agree on the following, as the basis for political, administrative, economic and social solution to the conflict in Southern Kordofan/Nuba Mountains and Blue Nile:
1.1. Human rights and fundamental freedoms shall be guaranteed to all individuals in the State as prescribed in the Interim National Constitution;
1.2. The diverse cultural heritage and local languages of the population of the State shall be developed and protected;
1.3. Development of human resources and infrastructure shall be the main goal of the State. It shall be conducted to meet human needs in

2. **Definition of the Two Areas:**
2.1. The boundaries of Southern Kordofan/Nuba Mountains State shall be the same boundaries of former Southern Kordofan Province when
Greater Kordofan was sub-divided into two provinces.
2.2. For the purpose of this Protocol, Blue Nile State shall be understood as referring to the presently existing Blue Nile State.
3. **Popular Consultation:**
The Government of Sudan and the Sudan People's Liberation Movement (the Parties), committed to reaching a just, fair and comprehensive peace agreement to end the war in Southern Kordofan/Nuba Mountains and Blue Nile States, agree on the following:
3.1. Popular consultation is a democratic right and mechanism to ascertain the views of the people of Southern Kordofan/Nuba Mountains and Blue Nile States on the comprehensive agreement reached by the Government of Sudan and the Sudan People's Liberation Movement.
3.2. That this comprehensive agreement shall be subjected to the will of the people of the two States through their respective democratically elected legislatures.
3.3. That the legislatures of the two States shall each establish a Parliamentary Assessment and Evaluation Commission to assess and evaluate the implementation of the agreement in each State. The two Commissions shall submit their reports to the legislatures of the two States by the fourth year of the signing of the comprehensive Peace Agreement.
3.4. An independent Commission shall be established by the Presidency to assess and evaluate the implementation of the comprehensive Peace Agreement in each of the two States. The Commission shall submit its reports to the National Government and the Governments of the two States who shall use the reports to rectify any procedure that needs to be rectified to ensure faithful implementation of the Agreement.
3.5. Once this agreement is endorsed by the people through the legislature of any of the two States as meeting their aspirations, then the agreement becomes the final settlement of the political conflict in that State.
3.6. Should any of the legislatures of the two States, after reviewing the Agreement, decide to rectify, within the framework of the Agreement, any shortcomings in the constitutional, political and administrative arrangements of the Agreement, then such legislature shall engage in negotiations with the National Government with the view of rectifying these shortcomings.
4. **Structure of the State Government:**
4.1. The State shall have the following structure:
4.2 The State Executive, which shall comprise of:
4.2.1 The State Governor;

4.2.2 The State Council of Ministers; and
4.2.3 Local Governments.
4.3 The State Legislature (SL).
4.4 The State Judiciary.
5. **The State Executive:**
5.1. The Governor of the State shall be directly elected by the registered voters of the State in a public adult suffrage.
5.2. The Governor shall appoint the ministers and the commissioners of the state in accordance with the State Interim Constitution. The State Council of Ministers shall be representative.
5.3. The Governor shall, together with the State Council of Ministers, exercise the Executive Powers of the State which shall be in respect of the functional areas listed in Schedules A and B, read together with Schedule C, attached hereto, and in accordance with the State Interim Constitution.
5.4. The State Council of Ministers shall be accountable to the Governor and the State Legislature in the performance of their duties.
5.5. The State shall have commissioners and elected local councils. The organization and proper functioning of the Local Governments shall be the responsibility of the Government of the State.
5.6 There shall be State Security Committee to be chaired by the Governor of the State. The Committee shall include, among others, the Military Commander of the area, his Deputy, the Director of the State Police and Director of the State National Security Branch.
5.7 Without prejudice to the provisions of paragraph 5.6 above, the Governor of the State may demand the transfer of the Director of the National Security Branch from the State.
5.8 The State Police Service shall adhere to the National standards and regulations as set forth by National Police Service.
5.9 Police, Prisons, Wildlife and Fire Brigade Officers shall be recruited by the State Service according to the National standards, trained and commissioned nationally and returned to the State for service. The other ranks shall be locally recruited to serve within the State. Recruitment and training regulations shall be designed and standardized by the National Police Service.
5.10 Without prejudice to the provisions of paragraph 5.9 above, the National Authority may agree with the State Authority to transfer any number of police officers from the State police to the National Police Service whenever necessary.
5.11 The State Authority may request the National Authority to transfer to the State any number of police officers to fill any vacancies in the State.
6. **The State Legislature:**
6.1. Members of the State Legislature (SL) shall be elected by the registered voters of the State in accordance with the State Law and in conformity with the general guidelines as set forth by electoral provisions as set forth by the National Electoral Commission.
6.2. The State Legislature shall prepare and adopt the State Constitution, provided that it shall conform to the Interim National Constitution.
6.3. The Governor of the State shall sign any law duly approved by the State Legislature, failing which, after thirty (30) days it shall be deemed to have been signed into law, unless the Governor has submitted the law to the Constitutional Court for a ruling on its constitutionality. If the Constitutional Court finds the law constitutional, the Governor shall immediately sign such law.
6.4. The State Legislature shall legislate for the state within its legislative powers as stipulated in schedule (A) attached herewith.
6.5. State laws currently applicable in the State shall continue until new legislation is duly enacted by the SL within its competence.
6.6. The State Legislature shall decide its own rules, procedures, and committees, and elect its Speaker and other officers.

6.7. The State Legislature may relieve the Governor of the State of his/her functions by a motion supported by two-thirds of its membership.
6.8. Members of the State Legislature and the State Executive shall have such immunities as are provided by law.
7. **The State Courts**:
7.1. The structures and powers of the courts of the States shall be subject to the Interim National Constitution.
7.2. The State Constitution shall provide for the establishment of such state courts as are necessary.
7.3. The State Legislature shall provide for the appointment and dismissal of state appointed judges, subject to the State Constitution and the approval of the National Judicial Service Commission.
7.4. The State legislations shall provide for guarantees for the independence and impartiality of the State judiciary and ensures that state judges shall not be subject to political or other interference.
7.5. The state courts shall have civil and criminal jurisdiction in respect of State and National Laws, save that a right of appeal shall lie to the National Courts in respect of matters brought before or heard under National laws.
7.6. The National Legislature shall determine the civil and criminal procedures to be followed in respect of litigation or prosecution under National laws in accordance with the Interim National Constitution.
8. **The State Share in the National Wealth:**
8.1. The National wealth shall be shared equitably between different levels of Government so as to allow enough resources for each level of Government to exercise its constitutional competencies.
8.2. The States shall raise and collect taxes and revenues as listed in Schedule (D), annexed herewith.
8.3. Oil producing state is entitled to two percent (2%) of the oil produced in that state, as specified in the Wealth Sharing Agreement.
8.4. The state shall be represented in the Fiscal and Financial Allocation and Monitoring Commission, which shall ensure transparency and fairness in regard to allocation of the share due to the state from the Nationally collected revenues and ensure that allocations due to the state are not withheld.
8.5. The general objective of the National Reconstruction and Development Fund (NRDF) is to develop the war affected areas and least developed areas in the Sudan with the aim of bringing these areas to the national average standards and level of development.
8.6. In allocating the funds to the war-affected areas and least developed areas, NRDF shall use the effects of war and level of development as the main criteria. The Parties agree to allocate seventy-five percent (75%) of the total fund to the war-affected areas, particularly to Southern
Kordofan/Nuba Mountains and Blue Nile States, while the remaining balance shall be earmarked to the least developed areas.
8.7. The allocation of funds among the areas affected shall be determined during the Pre-Interim Period by the Joint National Transition Team (JNTT) that shall be established as agreed to in the Wealth Sharing Agreement, within the agreed percentages as in the above paragraph, taking into consideration the actual needs based on the results of Joint Assessment Mission.
8.8. The Fiscal and Financial Allocation and Monitoring Commission (FFAMC), as agreed to in the Wealth Sharing Agreement, shall allocate current transfers to Southern Kordofan/Nuba Mountains, Blue Nile and other war affected areas and least developed areas according to the following criteria:
8.8.1. Population;
8.8.2. Minimum expenditure responsibilities;

8.8.3. Human Development Index / Social Indicators (social development factor);
8.8.4. Geographical area (cost disability factor);
8.8.5. Fiscal effort (internal revenue effort); and
8.8.6. The effect of war factor.
8.9. In addition to the budgetary allocations and the two states' share in the NRDF, the President shall allocate an amount of money to each of the two states.
8.10 The Parties agree to appeal to the donor community to provide technical assistance to the FFAMC to develop comprehensive equalization criteria.
8.11. The states shall hold all income and revenue received in audited public accounts and shall comply with the regulations and auditing standards set by the Chamber of the Auditor General, who may audit the state's accounts.
8.12. There shall be no impediment to interstate commerce or the flow of goods and services, capital, or labour to and from the state.
8.13 Any debts/liabilities incurred by any level of government shall be the responsibility of that level of government.
8.14 There shall be a fair and equitable division of government assets. An asset shall in the first instance be allocated to the level of government responsible for the function in respect of which the asset is related (e.g., school buildings to the level of government responsible for education). In the event of a dispute, the Parties agree that such dispute shall be referred to a committee comprising a representative of each of the Parties involved in the dispute and a mutually agreed expert.
8.15 There shall be at the State's level accounting standards, procedures and fiscal accountability institutions operating in accordance with generally accepted accounting standards and procedures to ensure that funds are distributed according to the agreed Government budget and properly expended having regard to value for money.

9. **State Land Commission:**
9.1. The regulation of the land tenure, usage and exercise of rights in land shall be a concurrent competency exercised by the National and State Governments.
9.2. Rights in land owned by the National Government within the State shall be exercised through the appropriate or designated level of government.
9.3. There shall be established a State Land Commission in the State of Southern Kordofan/Nuba Mountains and Blue Nile, respectively.
9.4. The State Land Commission shall be composed of persons from the State concerned.
9.5. The State Land Commission shall exercise all the powers of the National Land Commission at the State level.
9.6. The State Land Commission shall be competent to review existing land leases and contracts and examine the criteria for the present land allocations and recommend to the State authority the introduction of such necessary changes, including restitution of land rights or compensation.
9.7. The National Land Commission and the State Land Commission shall cooperate and coordinate their activities so as to use their resources efficiently. Without limiting the matters of coordination, the National Land Commission and the State Land Commission may agree as follows:
9.7.1. To exchange information and decisions of each Commission;
9.7.2. That certain functions of the National Land Commission, including collection of data and research, may be carried out through the State Land Commission; and
9.7.3. On the way in which any conflict between the findings or recommendations of each Commission may be resolved.
9.8. In case of conflict between the findings and recommendations of the National Land Commission and the State Land Commission which cannot be resolved by agreement, the

two Commissions shall reconcile their positions. Failure to reconcile, the matter shall be referred to the
Constitutional Court for adjudication.

10. **Security Arrangements:**
10.1Without prejudice to the Agreement on the Security Arrangements and the right of Sudan Armed Forces (SAF) Command to deploy forces all over North Sudan as it deems fit, SAF troop levels in Southern Kordofan/Nuba Mountains and Blue Nile during the Interim Period shall be determined by the Presidency.

11. **Pre-Election Arrangements:**
11.1. As part of pre-election arrangements, the Parties agree on the following:
11.1.1. The Executive and Legislature in the two states shall be allocated as follows:
(a) Fifty-five Percent (55%) to the National Congress Party;
(b) Forty-five Percent (45%) to the SPLM.
11.1.2. There shall be rotational governorship in the two states with each Party holding the Office of Governor for half of the preelection period in each of the two states.
11.1.3. No one Party is to hold the Governorship in both states at the same time.
11.1.4. The office of Deputy Governor is to be allocated to the Party that is not presently occupying the Office of Governor.
11.1.5. The Parties are to decide upon the signature of the comprehensive Peace Agreement the time and order in which each party assumes the Governorship in each state.
11.2 Pending general elections, and as part of affirmative action, the Parties agree that Southern Kordofan/Nuba Mountains and Blue Nile States shall be adequately represented in National Institutions targeting a percentage not less than the ratio of their population size.

SCHEDULES:
Schedule (A)
The Exclusive Executive and Legislative Competencies of the Two States:
1. The drafting, adoption and amendment of the Constitution of the state, subject to conformity with the Interim National Constitution;
2. State Police;
3. State Prisons;
4. Local Governments;
5. State information, state publications and state media;
6. Social Welfare, including state pensions;
7. The Civil Service at the state level;
8. The state judiciary and administration of justice at the state level, including maintenance and organization of state courts, subject to national norms and standards of civil and criminal procedure;
9. Cultural matters within the state;
10. Religious matters, subject to the Interim National Constitution;
11. Internal and external borrowing of money on the sole credit of the state within the national macro-economic framework, as set by the Ministry of Finance;
12. The establishment, tenure, appointment, and payment of state civil service officers;
13. The management, lease and utilization of lands belonging to the state;
14. The establishment, maintenance and management of reformatory institutions;
15. The establishment, regulation, and provision of health care, including hospitals and other health institutions;
16. Regulation of businesses, trade licenses, working conditions, hours, and holidays within the state;
17. Local works and undertakings;
18. Registration of marriage, divorce, inheritance, births, deaths, adoption and affiliations;

19. Enforcement of state laws;
20. Statutes enacted under the penal law power, save for the penalization for the breach of National laws relating to the National competencies;
21. The development, conservation and management of state natural resources and state forestry resources;
22. Primary and secondary school and education administration in regard thereto;
23. Laws in relation to agriculture within the state;
24. Airstrips other than international and national airports within civil aviation regulations;
25. Intrastate public transport and roads;
26. Population policy and family planning;
27. Pollution control;
28. State statistics, and state surveys;
29. State referenda, in matters within the state's competencies;
30. State charities and endowment;
31. Town and rural planning;
32. State cultural and heritage sites, state libraries, state museums, and other historical sites;
33. Traditional and customary law;
34. Recreation and sport within the state;
35. Firearms Licenses;
36. State finances;
37. State irrigation and embankments;
38. State budget;
39. State archives, antiquities, and monuments;
40. Direct and indirect taxation within the state in order to raise revenue for the state;
41. State public utilities;
42. Vehicle licensing;
43. Fire fighting and ambulance services;
44. Flag and Emblem; and
45. Community empowerment.

Schedule (B): Concurrent Powers
The National and State Governments shall have concurrent Legislative and Executive competencies on any of the matters listed below:
1. Economic and social development within the state;
2. Legal and other professions and their associations;
3. Tertiary education, educational policy and scientific research;
4. Health policy;
5. Urban development, planning and housing;
6. Trade, commerce, industry and industrial development;
7. Delivery of public services;
8. Banking and insurance;
9. Bankruptcy and insolvency;
10. Manufacturing licenses;
11. Disaster preparedness, management and relief and epidemics;
12. Traffic regulations;
13. Electricity generation and water and waste management;
14. Broadcasting and telecommunications utilities;
15. Environmental management, conservation and protection;
16. Relief, repatriation, resettlement, rehabilitation and reconstruction;
17. The initiation and negotiation of international and regional agreements on culture, trade, investment, credit, loans, grants and technical assistance with foreign governments and foreign non-governmental organizations;
18. Financial and economic policies and planning;

19. Gender policy;
20. Women's empowerment;
21. Animal and livestock control, animal diseases, pastures and veterinary services;
22. Consumer safety and protection;
23. Women welfare and child protection and care;
24. State courts responsible for enforcing or applying national laws; and
25. Rehabilitation and care for disabled war veterans, orphans, widows and their dependants.

Schedule (C): Residual Powers
The residual powers shall be exercised in accordance with its nature and as to whether the power pertains to a national matter, requires a national standard or is a matter that cannot be regulated by a single state, in which case it shall be exercised by the National Government. If the power pertains to a state matter, it shall be exercised by the state.

Schedule (D): State Revenue Sources
The state shall be entitled to raise and collect the taxes and revenues from the sources listed hereunder:
1. State land and property tax and royalties;
2. Service charges for state services;
3. Licenses;
4. State personal income tax;
5. Tourism levies;
6. Share of natural resource revenues;
7. State Government projects;
8. Stamp duties;
9. State agricultural taxes;
10. Loans and borrowing in accordance with the national macroeconomic policy framework;
11. Excise taxes;
12. Border trade charges or levies in accordance with National legislation;
13. Other state taxes which do not encroach on National taxes; and
14. Grants in Aid and Foreign Aid through the National Government.

IMPLEMENTATION MODALITIES DURING THE PRE-INTERIM AND THE INTERIM PERIODS

31 DECEMBER 2004

PART ONE
The Ceasefire Arrangements
1. General and Fundamental Provisions

1.1. The Parties agree that the national ownership of the peace process, political will, and continuous dialogue are indispensable elements for sustainable peace. They shall collaborate to observe and respect the Ceasefire and resort to their own wisdom to contain and solve any problem that may arise;
1.2. The Parties shall always refrain from any act or acts that may in any way spoil the peace process. They shall unceasingly create and maintain a conducive atmosphere for peace and tranquillity;
1.3. The Parties shall abide by good governance, democracy and foster civil society;
1.4. The Parties agree that inclusiveness is of the essence to this agreement and shall engage the other armed groups and political forces to become part of the peace process, play a role thereto and contribute to the sustenance of this Agreement;
1.5. The Ceasefire Agreement shall ensure clarity by eliminating any room for ambiguity in all elements of the Ceasefire Agreement;
1.6. The Ceasefire Agreement shall guarantee the free movement of people, goods and services throughout Sudan;
1.7. The Parties shall, within the territorial jurisdiction of the Ceasefire Agreement, provide and share information and statistics on their troops strength, arms and military equipment and any other relevant information, among themselves and with the UN Peace Support Mission;
1.8. The Parties shall commit themselves to immediate release of prisoners of war (POWs) and as a gesture of national reconciliation release any other persons detained as a result of the war upon the endorsement of the Comprehensive Peace Agreement;
1.9. The Parties shall involve the International Committee of the Red Cross (ICRC) in the process of arranging the release of POWs and other persons detained as a result of the war;
1.10. The Parties shall commit themselves to render and facilitate humanitarian assistance through creation of conditions conducive to the provision of urgent humanitarian assistance to displaced persons, refugees and other affected persons and their right to return;
1.11. The Parties agree to inform the rank and file of their armed forces as a way of popularising the Ceasefire Agreement;
1.12. The Parties shall commit themselves that all forces, troops under their respective command and forces allied and affiliated to them at all levels and rank and file shall fully cease fire and stop hostilities;
1.13. The Parties shall endeavor to promote and disseminate peace culture and confidence building measures among and between the people as well as their forces as integral part of ceasefire arrangements and sustenance of the peace;
1.14. The Parties agree not to arm, train, harbour on their respective areas of control, or render any form of support to external subversive elements or internal armed groups;
1.15. Nothing in this agreement shall in any way undermine the sovereignty and territorial integrity of the Sudan.

2. Entry into Force:
The Ceasefire Agreement (hereinafter referred to as the Agreement or this Agreement) shall come into effect from the date of signature of the Comprehensive Peace Agreement (that day hereafter referred to as D-Day).

3. Amendment of this Agreement:
This Agreement may only be amended by the Presidency upon recommendation of the Ceasefire Political Commission.

4. The Parties of the Agreement:
The Parties to this Agreement shall be:
4.1. The Sudan Armed Forces (SAF), with all its formations and units; and
4.2. The Sudan People's Liberation Army (SPLA), with all its formations and units.

5. Principles of the Ceasefire:
5.1. The Parties agree to a permanent ceasefire among all their forces with the broader objective of sustaining the comprehensive peace agreement, promoting peace culture, reconciliation and confidence building;
5.2. The ceasefire shall uphold the following principles:
5.2.1 Permanent cessation of hostilities between SAF and SPLA within
72 hours of the signature of the Comprehensive Peace Agreement.
5.3. The permanent cessation of hostilities shall include final termination of the following activities:
5.3.1. Military activities including movement, reconnaissance, reinforcement, recruitment, draft, and military exercises other than those permitted by the Joint Defense Board (JDB). The JDB will inform the UN Peace Support Mission of permitted current and future activities;
5.3.2. Land, air, and river operations;
5.3.3. Laying of mines and other subversive activities;
5.3.4. Use of force against and abuse of civilians;
5.3.5. Replenishment of ammunition, weapons and other lethal or military equipment;
5.3.6. Hostile propaganda from inside or outside the country;
5.3.7. Occupation of new locations;
5.3.8. Any other actions that may impede the normal progress of the ceasefire process.

6. The Ceasefire Zone:
The scope of the ceasefire shall be:
6.1. Southern Sudan, which shall be subdivided, for all the purposes of ceasefire and monitoring activities, into three areas of:
a) Bahr el Ghazal Area;
b) Equatorial Area;
c) Upper Nile Area.
6.2 Nuba Mountains Area;
6.3 Southern Blue Nile Area;
6.4 Abyei Area;
6.5 Eastern Sudan Area (Hamashkoreb, new Rasai, Kotaneb, Tamarat, and Khor Khawaga).

7. Duration and Calendar of Major Ceasefire Activities:
7.1. Duration of the ceasefire shall be divided into four phases:
7.1.1 Phase I: The Pre-interim Period duration 6 months (D-day to D-day + 6 months) ceasefire activities shall start (as per attached lists), including the redeployment of SAF from the South to the North, the beginning of the Demobilization, Disarmament, Re-integration and Reconciliation (DDRR), the redeployment of SPLA forces from Eastern Sudan, the

formation, co-location in training centers, training of the Joint/Integrated Units (JIUs) and the UN monitoring.
7.1.2 Phase II: First half of the Interim Period duration 36 months (D-day+ 6 months to D-day + 42 months). This phase shall cover the completion of deployment of the JIUs, redeployment of the SPLA forces from the Eastern Sudan to the south, redeployment of the SPLA forces from Nuba Mountains and Southern Blue Nile to the south and redeployment of SAF from the South to the North. The DDR activities shall continue. The negotiations on proportionate downsizing shall also start at this phase.
7.1.3 Phase III: Second half of the Interim Period duration 36 months (D-day + 42 months to D-day + 78 months). Continuation of DDR process, training and the monitoring process. Development of plans and modalities of transforming the JIUs into integrated ones.
7.1.4 Phase IV: Post Interim Period duration 6 months (D- day + 78 months to D-day + 84 months). Formation of Sudan National Armed Forces (SNAF) in case of unity or dissolution of JIUs in case of secession.
7.2. The Calendar of major ceasefire activities is agreed by the parties as per Annex 2.

8. Disengagement:
8.1. There shall be lines of disengagement according to the assembly areas, as specified in Annex 1, and shall be adjusted by the monitors of the UN Peace Support Mission.
8.2. On the declaration of the ceasefire, the forces of the SAF, inclusive of their allied forces and the SPLA, inclusive of their allied forces, shall maintain their current positions.
8.3. All forces shall take defensive positions and be redeployed to assembly points within the first three months of the Pre-Interim Period according to the agreed timetable.
8.4. All forces shall be disengaged, separated, encamped in their assembly points, and redeployed subject to international monitoring arrangements.
8.5. The parties shall provide maps and sketches showing their current dispositions before the declaration of the ceasefire. Such maps and sketches shall include:
8.5.1. Current dispositions including deployment and weapons sites.
8.5.2. All necessary information about roads, tracks, passages, minefields, and command posts.
8.6. To safeguard against the menace and hazards posed by landmines and unexploded ordnance, the Parties agree that:
8.6.1. The laying of mines, explosive devices or booby traps of whatever type shall be prohibited;
8.6.2. The Parties and forces under their control shall promptly provide on D - day to the Ceasefire Joint Military Committee (CJMC) all known information concerning the locations and descriptions of all minefields, unexploded ordnance, demolitions, booby traps and any other physical or military hazards which could affect the safe movement of persons, within the ceasefire zones. The Parties shall also promptly produce a plan to mark and signpost any danger areas and initiate this plan according to agreed priorities;
The Parties shall allow and facilitate cross-line de-mining activities, the repair and reopening of roads and the removal, dismantling or destruction of mines, unexploded ordnance and all other such hazards as described above immediately upon the signature of this agreement;
8.6.3. The Parties and forces under their control shall promptly provide to the CJMC information concerning the stockpiles of Anti Personal Mines;
8.6.4. The Parties shall conduct de-mining activities as soon as possible, and in coordination with the UN Peace Support Mission with a view to create the conditions necessary for deployment of the UN Peace Support Mission and the return of displaced populations;
8.6.5. The UN Peace Support Mission, in conjunction with United Nations Mine Action Office, will assist the Parties' de-mining efforts by providing technical advice and coordination. The Parties shall, as necessary, seek additional de-mining assistance and advice from the UN Peace Support Mission;

8.6.6 The Parties shall establish by D Day + 30 Days two determining authorities (Northern and Southern) that shall work together and coordinate their de-mining activities and to work jointly in close cooperation with UN Mine Action Office;
8.7. Before the declaration of the ceasefire, the Parties shall present detailed lists of size and location of their forces in each area to United Nations Advanced Mission in Sudan (UNAMIS), subject by verification of the Verification and Monitoring Team (VMT) and Joint Military Commission (JMC) Nuba Mountains. Such lists shall be attached to the Comprehensive Peace Agreement.
8.8. Notwithstanding 8.7 above, the Parties shall present detailed lists of particulars of all troops to the Ceasefire Joint Military Committee (CJMC) or, pending the formation of the CJMC, to the
VMT and JMC/Nuba. The lists shall be verified by the CJMC and/or the VMT and JMC, as the case may be, immediately after the declaration of the ceasefire.
8.9. The Parties agree and in collaboration with the UN Peace Support Mission to pull back all the weapons of effective range fire within the other Party's assembly areas.

8.10. The Parties shall provide detailed data on their inventories and stocks including different weapons and munitions, fuel oil and lubricants, etc., and their exact locations to CJMC or the VMT in the ceasefire zone. Such inventories shall be verified immediately after the declaration of the ceasefire. The Parties shall agree on ways and means of monitoring such stocks and/or stores to make sure that they are no longer accessible to the Parties.

9. Permitted Activities:
In view of negative consequences of war, the key principle that shall underpin permitted activities shall be to alleviate the effects of the war on the civilians and war-affected areas and to galvanize popular support for peace. Permitted activities shall therefore include:
9.1. De-mining and decommissioning of military hazards (this shall be done in collaboration with other bodies referred to in 8.6 herein, according to agreed timetables and mechanisms, and under UN monitoring);
9.2. Development activities to include opening of roads, rehabilitation of bridges and passages, railways, airports and airstrips, and lines of river navigation etc;
9.3. Humanitarian activities such as securing unimpeded access to humanitarian relief according to agreed regulations;
9.4. Socio-economic activities such as assisting free movement of people, goods and services;
9.5. Free movement of unarmed soldiers in plain clothes who are on leave, medical referrals, or visiting their families;
9.6. Re-supply of armed forces lethal items as shall be deemed appropriate by the JDB and coordinated with UN Mission;
9.7. Supply of non-lethal items (food, water, medicine, fuel oils and lubricants, stationery, uniforms, etc.);
9.8. Training and Refresher training.
9.9. During the disengagement of forces, they shall not exercise any military activities except the following:
9.9.1. Training and refresher training (UN Mission shall be informed of such training - location, duration and type); particularly the field training of platoon level and higher;
9.9.2. Administrative movement (e.g. replenishment with non-lethal supplies or equipments);
9.9.3. Medical evacuation.

10. Violations:
10.1. The following acts shall constitute violations to this Agreement:
10.1.1. Any acts that may contravene this Agreement;
10.1.2. Unauthorized movement of troops;
10.1.3. Unauthorized recruitment, draft and/or mobilization drive;

10.1.4. Unauthorized replenishment of military equipment and supplies;
10.1.5. Hostile acts that may provoke confrontation;
10.1.6. Violation of human rights, humanitarian law and obstruction of freedom of movement;
10.1.7. Hostile propaganda and media warfare;
10.1.8. Espionage, sabotage, and acts of subversion to undermine either party and/or the Agreement;
10.1.9. Recruitment of child soldiers.
10.2 In event of any violation to provisions of this Agreement, the CJMC will determine appropriate disciplinary measures which may include, where appropriate, the following:
10.2.1. Publicizing or mentioning the parties that took part in the violations;
10.2.2. Exposing or shaming the guilty or recommending severe punishment in event of grave violations;
10.2.3. Recommend referral to civil, criminal trial procedures, or court-martial of individual or parties involved as applicable;
10.2.4. The Parties agree to follow up on recommendations for disciplinary measures as proposed by CJMC.
10.3. The hostile propaganda as provided in sub-section 10.1.7 above shall be comprehensively monitored by CJMC as part of the ceasefire monitoring process;
10.4. Without prejudice to the freedom of press and media, the Parties agree to set up a Joint Media Committee upon signing of the Comprehensive Peace Agreement to establish guidelines for the
media and press to create an environment conducive for the smooth implementation of the ceasefire.
10.5. The Parties agree that any deadlock arising out of the implementation of the ceasefire shall be referred, as of last resort, to the Presidency for consideration and action after having exhausted all avenues of dispute management at all lower levels;

11. Other Armed Groups:
11.1. In accordance with Article 7 (a) of the Agreement on Security Arrangements, the Parties agree to expedite the process of incorporation and reintegration of armed groups allied to either Party,
into their armed forces, other organized forces, the civil service and civil societal institutions.
11.2. The Parties agree to each setting up "Incorporation and Reintegration Ad Hoc Committee" to implement the provision of sub-section 11.1 above.
11.3. In accordance with the Framework Agreement on Security Arrangements during the Interim Period, no armed group allied to either party shall be allowed to operate outside the two forces. Other Armed Groups (OAGs) who have a desire and qualify shall be incorporated into the organized forces of either party (Army, Police, Prisons, and Wildlife Forces), while the rest shall be reintegrated into the civil service and civil society institutions.
11.4. The Parties agree to adopt a collaborative approach for handling OAGs and to establish by D day + 15 days an OAGs Collaborative Committee (CC) which shall comprise equal number of representatives from both parties (three each) and an independent observer from UN.
11.5. The OAGs CC shall, inter alia, perform the following functions:
11.5.1. Ascertain strength and armament conditions of all OAGs units which shall be verified by the VMT until UN monitors take over;
11.5.2. Ensure freedom of choice for all OAGs personnel as to the party they so desire to be incorporated in;
11.5.3. Ensure free and fair access of the parties to the OAGs;
11.5.4. Supervise and review incorporation processes of both parties;
11.5.5. Provide a forum for the parties to exchange information and data on the OAGs as well as handling complaints that pertain to their incorporation process and their activities;

11.5.6. Receive regular updates on the progress of the OAGs incorporation;
11.5.7. Keep the Ceasefire Political Committee abreast on the progress of the OAGs incorporation;
11.5.8. Monitor the DDR programme for the OAGs.
11.6. DDR programme for the OAGs shall be worked out by Southern Sudan DDR Commission (SDDRC) by the end of the Pre-Interim Period with technical assistance from international experts. All integration options shall be open in that programme.
11.7. Upon signature of this Agreement, the process of incorporation of individual members of all other armed groups, who desire and qualify shall start as soon as possible into the ranks of either SAF or SPLA or integrated into organized forces (police, prisons and wildlife services),
while the rest shall be reintegrated into the civil service or civil society institutions.
11.8. By D Day + 6 months, the OAGs Collaborative Committee after ascertaining the strength and armament conditions of OAGs units, shall ensure freedom of choice for all OAGs members to join either Party they so desire to be incorporated in, provided that no other armed groups shall continue to have a separate existence outside the command of either SAF or SPLA.
11.9. By D Day + 12 Months, the OAGs Collaborative Committee shall finish the incorporation process of OAGs members who desire and qualify into the armed forces of either Party and police, prisons, wildlife service and civil service.
11.10. When the incorporation process of OAGs referred to above in subsection 11.9 is completed, the incorporated OAGs members shall not be allowed to decamp from one Party to the other nor to change from police, prisons, wildlife and civil service to the military.
11.11. The Parties commit themselves, through OAGs Collaborative Committee and Incorporation and Reintegration of Ad Hoc Committees, to jointly brief all the OAGs about the Comprehensive Peace Agreement and their rights and obligations in the Agreement so as to ensure that they adhere to and respect all the provisions of the Agreement.
11.12. The Southern Sudan DDR Commission shall continue the reintegration process of the demobilized and disarmed members of OAGs into the civil service and civil society institutions in Southern Sudan, with a follow up of the OAGs Collaborative Committee.
11.13. The Parties shall not entertain, encourage, or permit reincorporation/defection of groups or individuals who were previously members or associated with any OAGs and have been incorporated into either party organized forces. Such act, if committed by either party, shall constitute a violation to sub-section 10.1.8 of this Agreement.

12. Foreign Insurgency Groups:
12.1. The parties appreciate the threat and menace that the foreign insurgency groups pose on the security and stability of the Sudan and neighbouring countries.
12.2. The parties have resolved to end the presence of the foreign insurgency groups on the Sudanese soil;
12.3. The parties shall work together to disarm, repatriate or expel these groups as soon as possible.

13. Verification, Monitoring, Complaints and Obligations:
13.1 The structure and levels of monitoring and verification of the implementation of this Agreement shall be as follows:
13.1.1. Ceasefire Political Commission (CPC)
13.1.2. Ceasefire Joint Military Committee (CJMC)
13.1.3. Area Joint Military Committee (AJMC)
13.1.4. Joint Military Teams (JMTs)

14. The Ceasefire Political Commission (CPC):
14.1 The CPC shall be answerable to the Presidency;
14.2 The CPC shall be a political decision making body composed of:
14.2.1. One senior political representative from each Party;
14.2.2. One senior officer each from SAF and SPLA;
14.2.3. Special Representative of UN Secretary General or his deputy;
14.2.4. Senior Security officer (after the establishment of National Security Service);
14.2.5. One Legal advisor from each Party;
14.2.6. Representative of Intergovernmental Authority on Development (IGAD) (observer);
14.2.7. Representative of IGAD Partner's Forum (IPF) (observer);
14.3. The CPC chair shall be rotational between the Parties;
14.4. The CPC shall reach its decisions by consensus of the Parties;
14.5. The mandate and functions of the CPC shall be to:
14.5.1. supervise, monitor and oversee the implementation of this Agreement;
14.5.2. complete negotiating any operational details as shall be necessary;
14.5.3. sound the Parties to rise up to their obligations in this Agreement;
14.5.4. update the Parties on the progress of the ceasefire implementation;
14.5.5. co-ordinate with other relevant national and international bodies;
14.5.6. settle deadlocks arising out from the ceasefire implementation as reported by the CJMC and refer the unresolved ones to the Presidency;
14.5.7. provide disciplinary measures for violations;
14.5.8. provide a political forum for continuous dialogue between the Parties and the international community;
14.5.9. foster confidence building between the Parties;
14.5.10. Update the IGAD, IPF, African Union (AU) and the United Nations periodically on the process of the ceasefire implementation as deemed necessary;
14.5.11. propose amendments in the Agreement to the Presidency.
14.6. Ceasefire Joint Military Committee (CJMC):
14.6.1. The CJMC shall be answerable to the CPC and shall oversee the activities of AJMC;
14.6.2. The CJMC shall be located in Juba;
14.6.3. The CJMC shall be a military decision making body and shall be composed of:
14.6.3.1. The Force Commander of the UN Monitoring Mission (Chair),
14.6.3.2. The Deputy Force Commander from countries acceptable to the Parties. Considering that the official working languages in Sudan are Arabic and English;
14.6.3.3. Three officers from SAF with ranks not less than Colonel;
14.6.3.4. Three senior officers from SPLA;
14.6.3.5. Officer in charge of national security at that level;
14.6.3.6. One senior police officer at the level of Southern Sudan.
14.6.4. The CJMC shall reach its decisions by consensus of the Parties and shall establish its own internal regulations;
14.6.5. The CJMC shall have the following functions:
14.6.5.1. Oversee compliance of the Parties to their obligations under this Agreement;
14.6.5.2. Coordinate planning, monitoring and verification of the implementation of this Agreement;
14.6.5.3. Facilitate liaison between the parties;
14.6.5.4. Coordinate monitoring and verification of disengagement, disarmament and redeployment of the forces as agreed upon in this Agreement;
14.6.5.5. Check on the conduct of the military forces;
14.6.5.6. Specification of current locations of troops as of the D day;
14.6.5.7. Monitoring troop strength, stocks of arms, ammunitions and other war-related equipment;
14.6.5.8. Coordination and monitoring of permitted military movement and itineraries thereof;

14.6.5.9. Receiving and verifying unresolved violations, disputes and complaints and rule on them;
14.6.5.10. Serving as a channel of communication between the parties;
14.6.5.11. Inspection of replenishment of supplies to the forces;
14.6.5.12. Supervision of demining activities, decommissioning of unexploded ordnance and other form of military hazards;
14.6.5.13. Dissemination of information about this Agreement;
14.6.5.14. help Parties in disarming and reintegrating armed groups;
14.6.5.15. monitor and verify the disarmament of all Sudanese civilians who are illegally armed;
14.6.5.16. be responsible for executing peace support operations in collaboration with VMT, JMC
and CPMT, until the deployment of the UN monitors; after which the roles of the latter shall cease to exist;
14.6.6. Decisions reached by the CJMC shall be communicated down through the individual chains of command and reported up to the CPC.
14.6.7. Subject to the timing of different activities specified in the Agreement on Security Arrangements, the CJMC may readjust on practical considerations the timing of activities or obligations related to ceasefire including redeployment North and South of the 1956 North-South border and activities referred to in sub-section 8.7 herein.
14.6.8. The CJMC shall compile necessary cartographical and mapping references which, once agreed to by the Parties, shall be used for the purposes of monitoring the implementation of this Agreement. However, such cartographical and mapping references shall have no bearing whatsoever on the subsequent delineation of the 1/1/1956 North/South border by the ad hoc border commission that the Parties will set up as part of the agreement on implementation modalities.
14.6.9. The CJMC shall be entitled to move freely throughout the ceasefire zone.

14.7 Area Joint Military Committee (AJMC):

14.7.1 The AJMC that shall be established in Juba, Malakal, Wau, Kadugli, Abyei, Damazien or Kurmuk, and shall be composed as follows:
14.7.1.1 The most senior UN Officer in the Area, Chairperson;
14.7.1.2 Equal number of senior officers from SAF and SPLA;
14.7.1.3 UN monitors.
14.7.2 AJMC shall be established in Kassala or Hamashkoreb in Eastern Sudan to monitor and verify the redeployment of SPLA forces as provided in sub-section 4 (c)(v)(a) of Agreement on Security Arrangements;
14.7.3 The AJMC shall be charged with the following functions:
14.7.3.1 monitor and verify alleged violations and resolve disputes;
14.7.3.2 report periodically and refer unresolved complaints to CJMC;
14.7.3.3 Liaise and share information with the Security Committee in the designated area;

14.8 Joint Military Teams (JMTs):

14.8.1. JMTs shall be the lowest operating unit of the ceasefire monitoring mechanism;
14.8.2. JMTs shall be established and designated by the AJMC at that level;
14.8.3. A JMT shall be composed of UN senior officer at that level, international monitors, equal number of officers from SAF and SPLA.
14.8.4. JMTs shall conduct regular patrols and visits throughout their respective areas to prevent violations, preserve the ceasefire, and assist in building confidence.
14.8.5. JMTs shall monitor, verify and report alleged violations to the appropriate AJMC.

15. UN Peace Support Mission

15.1. The Parties agree to request the United Nations to constitute a lean, effective, sustainable and affordable UN Peace Support Mission to monitor and verify this Agreement and to support the implementation of the Comprehensive Peace Agreement as provided for under Chapter

VI of the UN Charter;
15.2. The Parties call upon the international community to provide technical and financial assistance, given the financial constraints of GOS and particularly the nature and structure of SPLA, to expedite the implementation of the ceasefire activities.
15.3. International monitoring shall be carried out by UN, considering that the official working languages in Sudan are Arabic and English, who may make the use of the services of UN protection unit. The size of the UN Peace Support Mission, including any UN force protection element, shall be determined by the UN in consultation with the Parties.
15.4. For the purpose of monitoring activities related to the ceasefire, the international monitors shall have unrestricted access in accordance with a Status of Forces Agreement (SOFA), which shall be concluded with the United Nations as soon as possible. Such SOFA shall contain
the provisions agreed to by the Parties with the United Nations immediately following the conclusion of the Comprehensive Peace Agreement.
15.5. The parties agree that the presence and size of the UN peace support mission shall be determined by the implementation time table of this Agreement (disengagement, disarmament, redeployment, etc) and shall gradually phase out with successful implementation of the time
tables, increased confidence building, and commitment of the parties towards the implementation of this Agreement.
15.6. The Parties agree to request the UN to provide cultural orientation to all its members to create conducive atmosphere for respect and better understanding of social values and cultures so as to ensure effective implementation of this Agreement;
15.7. The Parties undertake to respect the exclusively international nature of the UN Peace Support Mission as in terms of flag, vehicle markings, communication, travel and transport, privileges and immunities, facilities, provisions, supplies, services, sanitary arrangements, recruitment of local personnel, currency, entry, residence, departure, uniform, arms, permits and licences, military police, arrest, transfer of custody, mutual assistance, jurisdiction, deceased members and
settlement of disputes;
15.8. SAF and SPLA members of AJMCs and JMTs shall have the right to participate in verification and monitoring missions, however in case of failure of either or both Parties to participate, the mission shall still continue with its verification and monitoring tasks.
15.9. The Verification and Monitoring Team (VMT), the Joint Military Commission (JMC) in Nuba Mountains and the Civilian Protection Monitoring Team (CPMT) shall continue performing their duties, under operational control of the UN Mission, according to their present and/or expanded mandate, fill the gap and carry out duties as shall be entrusted to them by the Parties until the UN Mission is operational, after which their roles shall cease to exist.

PART TWO
The Armed Forces
16. Military Mission and Mandate
16.1. Without prejudice to the provisions of sub-sections 1 (b) and 4.1(b) of the Agreement on Security Arrangements, the mission and mandate for Sudan Armed Forces (SAF), Sudan People's Liberation Army (SPLA) and the Joint/Integrated Forces within their respective areas of deployment during the interim period shall clearly be specified within the first year of the interim period by the Joint Defense Board subject to the approval of the Presidency.
16.2. Without prejudice to sub-section 16.1 above, the Sudanese Armed Forces (SAF), the Sudan People's Liberation Army (SPLA) and the Joint/Integrated Units (JIUs) shall be charged with the mission of defending the sovereignty and territorial integrity of the Sudan during
the interim period.

16.3. The two Armed Forces and the JIUs shall be regular, professional, and non-partisan armed forces. They shall respect the rule of law and civilian government, democracy, basic human rights, and the will of the people.
16.4. As per Article (1) (b) and (4) (b) (III) of the Agreement on Security Arrangements, the Armed Forces (SAF, SPLA and JIUs) shall undertake the responsibility of the defense of the country against threats in their areas of deployment pending appropriate decision from the JDB.
16.5. The involvement of the Armed Forces as defined in sub-section 16.4 above, in constitutionally specified emergencies, shall be determined in the Interim Constitution.
16.6. The Parties shall jointly develop a code of conduct for the members of all armed forces based on the common military doctrine that shall be developed as stipulated for in section 6 of the Agreement on Security Arrangements.
16.7. The elements of the code of conduct provided for in sub-section 16.6 above shall:
16.7.1. be informed by the provisions of sub-section 16.2 above;
16.7.2. make a clear distinction between the military functions from partisan political functions;
16.7.3. make repudiation that such forces can be used as agency of physical intimidation of the civilian population;
16.7.4. make a clear distinction between military mandate from the policing mandate during cease fire period;
16.7.5. make clear that all members of armed forces shall not be involved in illicit activities that may affect the environment and natural resources.

17. The Joint Defense Board (JDB):
17.1. The JDB shall be composed and structured on parity basis and take its decisions by consensus. It shall be composed of the Chiefs of Staff of SAF and SPLA, their deputies and four senior officers from each party.
17.2. The JDB shall exhibit a characteristic of well-functioning body capable of timely response to tasks and situation.
17.3. The JDB shall have a Technical Committee to be formed from four senior officers from both sides.
17.4. The Technical Committee shall undertake the duty of coordination between the two forces and resolve different problems that may ensue. It shall report regularly to the JDB in all ordinary and
extraordinary sessions.
17.5. The two Commanders in Chief shall appoint the Commander and the deputy commander of the JIUs who shall be ex officio members of the JDB.
17.6. In the event of any external or internal threat, the JDB shall, subject to section 16.2 above, decide on how to address the situation. The JDB shall decide whether all forces, the JIUs or either force (SAF and SPLA) shall handle the threat alone or collectively. The JDB may also decide
on the appropriate support and reinforcements that other forces shall lend to the forces facing direct threat and aggression. In a joint operation, JDB shall determine lead HQS for that operation.
17.7. The JDB shall be entrusted to work out a comprehensive framework for confidence building. Confidence building measures between the SAF and SPLA may include exchanging visits, organizing cultural and sport events, convening of joint training courses, and participating in
national and religious celebrations and any other activities that shall help in building confidence.

17.8. The JDB shall form a committee to lay down the principles of the future Sudan National Armed Forces, should the result of the referendum on self-determination confirm unity.
17.9. At the earliest opportunity, appointed representatives of SAF and SPLA will determine, taking into account point 17.1 of this agreement, a staff structure in support of JDB command. They will calculate a budget and recommend how it is be resourced.

18. Redeployment:
18.1. The line of redeployment of SAF and SPLA shall be South/North Border of 1/1/1956 as came in Article 3 (b), in the Agreement on Security Arrangements during the Interim Period signed on 25th September, 2003.
18.2. SAF commits to redeploy its forces as per Article 3 (b) of the Agreement on Security Arrangements to the North of South/North border of 1/1/1956 beginning from the Pre Interim Period according to the following steps:
a) Step I: Reduction by 17% by D-day + 6 months;
b) Step II: Reduction by 14% by D-day + 12 months;
c) Step III: Reduction by 19% by D-day + 18 months;
d) Step IV: Reduction by 22 % by D-day + 24 months;
e) Step V: Complete redeployment of the remainder 28% by D-day + 30 months.
18.3. SPLA commits to redeploy its forces pursuant to Article 3 (c) and Article 4 (c) (V) (a) of the Agreement on Security Arrangements as detailed below.
18.4. The SPLA forces in the eastern Sudan shall be redeployed to the south of North/South border of 1/1/1956 beginning from pre-interim period according to the following steps:
a) Reduction by 30% by D-day + four months.
b) Reduction by 40% by D-day+ 8 months.
c) Complete redeployment of the remainder 30% by D-day 12 months.
18.5. The SPLA shall complete redeployment of its excess forces from Southern Blue Nile and Southern Kordofan/Nuba Mountains within six months of the deployment of the JIUs in those areas.
18.6. Without prejudice to the Agreement on the Security Arrangements and the right of Sudan Armed Forces (SAF) Command to deploy forces all over North Sudan as it deems fit, SAF troop levels in Southern Kordofan/Nuba Mountains and Blue Nile during the Interim Period shall
be determined by the Presidency.
18.7. After the JIUs deployment in Abyei, all other forces shall be redeployed outside the area. However, the size JIUs Battalion in Abyei shall conform to JIUs organizational standards according to the Protocol between the Government of Sudan and the Sudan People's Liberation Movement on the Resolution of the Conflict in Abyei Area of 26th May, 2004.

19. Optimal Size of the Armed Forces:
After the Completion of SAF redeployment to the North the parties shall begin the negotiations on proportionate downsizing. Nonetheless, the parties shall allow voluntary demobilization, demobilization of nonessentials (child soldiers and elderly, disabled) during the first year of
interim period.

20. The Status of Joint Integrated Units:
20.1. There shall be formed Joint/Integrated Units (hereinafter referred to as JIUs) during the pre-interim and the interim period from the SAF and the SPLA. This shall form the nucleus of the future Sudanese National Armed Forces (SNAF) should the result of the referendum on the right of self-determination for the people of Southern Sudan confirm unity of the country.

20.2. If the result of the referendum is in favor of secession of the South from the North, the JIUs shall dissolve with each component reverting to its mother Armed Forces to pave the way for the formation of the separate Armed Forces for the emerging states.
20.3. Notwithstanding sub-Sections 20.10.1, 20.10.2, 20.10.3, 20.10.4, and 20.10.5, formation, training, tasking and deployment of JIUs formations and sub-formations shall be completed not later than D-day + 21 months.
20.4. At the initial stage of the formation of the JIUs, SAF component shall be liable to relief "after two years of deployment". Nonetheless, they shall be locked-in by D-day + 33 months.
20.5. At the inception, the JIUs shall remain in their joint form. However, the process of full integration shall be completed by D-Day + 52 months.
20.6. The JIUs as per Agreement on Security Arrangements shall fall under the command of the Joint Defense Board (JDB). Nevertheless, the two Commanders-in-Chief shall appoint the commander and deputy commander for the JIUs as the highest level who shall, by virtue of their positions, be members of the JDB. They shall oversee routine command matters of the JIUs in
accordance to authority conferment by the JDB.
20.7. The JIUs command shall be exercised on parity basis between SAF and the SPLA officers with alternation of roles at the uppermost and other levels of command.
20.8. The JIUs personnel shall be treated equally. There shall be uniformity in welfare, salaries, emoluments, pensions rights, supplies, armament, and equipment.
20.9. The Parties have further discussed the issue of establishing JIUs in Eastern Sudan and have decided to continue discussing the issue during the Interim Period and resolve it as they deem fit.

20.10 Training of the Joint Integrated Units:

20.10.1. Both Armed Forces (SAF and SPLA) shall complete selection and organization of officers, Non-Commissioned Officers (NCOs) and men for the JIUs within three months from the beginning of the pre-interim period.
20.10.2. Notwithstanding sub-section 20.3 above, the JIUs components from both Parties shall be formed within three months from the pre-interim period and co-locate in their various training centers to be trained for not less than six months after which they shall be tasked and deployed.
20.10.3. There shall be developed as soon as practicable a joint doctrine, code of conduct, as well as disciplinary laws, regulations, and standing operating procedures to govern the JIUs general training policies, programmes, disciplinary scopes and behavioural patterns.
20.10.4. In view of special status of Khartoum and Juba, the JIUs Command shall allot tasks to the JIUs contingents that shall be deployed to these cities by the end of the pre-interim period after completion of initial joint training session that shall not exceed three months. Nonetheless, the JIUs
command shall organize further training sessions for these contingents in accordance to JIUs training policy and programmes.
20.10.5. The parties shall appeal to the international community to render additional technical, material and financial support to assist in forming and training the JIUs.

20.11. JIUs Command and Control:

The JIUs Headquarters is under command of JDB and shall be located in Juba. The JIUs command shall perform among other things, the following duties and responsibilities:
20.11.1. Command of the JIUs formations and units;
20.11.2. Promotion of mutual cooperation between the JIUs, SAF and SPLA at all command levels;
20.11.3. Coordination of supply and replenishments plans with the JDB;
20.11.4. Implementation of the JDB plans, policies, programmes and directives pertaining to the JIUs;

20.11.5. Appointment and transfer of JIUs officers within the discretion of the JIUs command;
20.11.6. Create and promote confidence building measures;
20.11.7. Development and execution of training programmes for the JIUs;
20.11.8. Coordination with the CPC;
20.11.9. Resolution of disputes that may arise within the JIUs jurisdiction.
20.12. The JIUs Commanders shall exercise the following authority/responsibility:
20.12.1. Command and control of JIUs in their respective areas of command;
20.12.2. Implementation of and compliance with the directives of the JIUs Higher Headquarters;
20.12.3. Implement confidence building policies of the higher headquarters as well as create and promote confidence-building measures within their power as shall be desirable;
20.12.4. Development and execution of training programmes within their command jurisdiction;
20.12.5. Performance of any other duties that may be conferred upon them by the higher headquarters.
20.13. The JIUs Composition and organization:
20.13.1 **Composition**:
20.13.1.1. The JIUs shall initially be formed from SAF and SPLA, out of their ground forces;
20.13.1.2. By D-Day + 12 months, SPLA nominated personnel shall commence training in the service arms of the Air Force, Navy and Air Defense, so as to make available SPLA contribution to the JIUs Service Arms which shall be established as per sub-section 20.13.1.3 below;
20.13.1.3. By D-Day+36 months, the first JIUs service arms unit shall be established, others shall follow according to the graduation of qualified SPLA JIUs personnel as determined by the JDB, further training may continue according to the needs as may be decided by the JDB;
20.13.1.4. SAF component of the JIUs service arms shall be nominated and assigned as soon as the SPLA component of JIUs service arms is trained and graduated;
20.13.1.5. JIUs Service Arms of the Air Force, Navy and Air Defense shall be part of the overall number of forces of the JIUs already agreed to by the Parties.
20.13.2 **Organization**:
20.13.2.1. The higher JIUs formation shall be division (see organizational structure attached as annexure 3). Thus, there shall be formed five JIUs division and one independent brigade as follows:
a) 1st Infantry Division which shall have a total strength of 9000 officers, NCOs and men and shall
be deployed in Equatoria area.
b) 2nd Infantry Division which shall have a total strength of 8000 officers, NCOs and men and shall
be deployed in Upper Nile area.
c) 3rd Infantry Division which shall have a total strength of 7000 officers, NCOs and men and shall
be deployed in Bahr el Ghazal area.
d) 4th Infantry Division (unlike the other divisions, both 4th and 5th Infantry divisions are under strength divisions) which shall have a total strength of 6000 officers, NCOs and men and shall
be deployed in southern Blue Nile.
e) 5th Infantry Division which shall have a total strength of 6000 officers, NCOs and men and shall
be deployed in southern Kordofan/Nuba Mountains.
f) Independent Brigade which shall be deployed in Khartoum with the total strength of 3000 officers, NCOs and men.

20.13.2.2. There shall be formed a JIU Infantry Battalion (Inf. Bn.) for Abyei Area whose strength shall be in accordance with JIUs standards. It shall be deployed in Abyei area and attached to
3rd Infantry Division.
20.13.2.3. Infantry brigades, of not more than 3000 troops each, to compose of:
i. Brigade Command;
ii. Brigade HQ Company;
iii. Two to four infantry Battalions;
iv. Armoured, artillery, engineering, transport, signal and medical corps.
20.13.2.4. The infantry battalion shall compose of:
i. Battalion Command;
ii. Battalion HQ Company;
iii. Two to four infantry companies;
iv. Support Company.
20.13.2.5. JIUs battalion shall be formed of two SAF companies and two SPLA companies, whereas the HQs Company and the support company shall be mixed. The size of the forces in each locality shall not exceed one infantry battalion.

20.14 JIUs Detailed Deployment:

20.14.1. First JIUs Infantry Division – Equatoria:
a) Division Headquarters: Juba town.
b) Juba Brigade Headquarters: Juba town.
c) Subunits deployment: Around Juba town.
d) Torit Brigade Headquarter (+) Inf Bn: Torit town.
e) Subunit Deployment: Kapoeta, Yei, and Jabor.
f) Maridi BrigadeHeadquarters (+) Inf Bn: Maridi town.
g) Subunits deployment : Mondari, Yambio, Tombara.

20.14.2. Second Infantry Division - Upper Nile:
a) Division Headquarters: Malakal town.
b) Malakal Brigade Headquarters (+) two Inf Bns: Malakal town.
c) Subunits deployment: Nasir, Bounj and Malut.
d) Bentiu Brigade headquarters (+) Inf Bn: Bentiu town.
e) Subunits deployment: Pariang, and Bor.

20.14.3. Third Infantry Division - Bahr el Ghazal:
a) Division Headquarters: Wau town.
b) Wau Brigade headquarters (+) two Inf Bns: Wau town.
c) Subunits deployment: Tonj, Rumbek, and Shambe
d) Aweil Brigade headquarters (+) two Inf Bns: Aweil town.
e) Subunits deployment: Raja, Gogrial.
f) Abyei Area Independent Battalion attached.

20.14.4. Fourth Infantry Division - Southern Blue Nile:
a) Division Headquarters: Dindiro town.
b) Dindiro Brigade headquarters (+) Bde Hqs (+) one Inf Bn: Dindiro.
c) Subunits deployment: Kurmuk, Geizan, Ulu.
d) Takamul Brigade headquarters (+) one Inf Bn: Takamol.
e) Subunits deployment: Damazin, Umdarfa'a, Menza.

20.14.5. Fifth Infantry Division - Nuba Mountains:
a) Division headquarters (+) one Inf Bn: Kadogli town.
b) Kadugli Brigade headquarters: Heiban.
c) Subunits deployment: Heiban, El Buram, Talodi.
d) Deleng Brigade headquarters (+) one Inf Bn: Deleng town.
e) Subunits deployment: Jebel Eried, Julud, Um Sirdibba.

20.14.6. Khartoum Independent Brigade:

There shall be one JIUs Brigade in Khartoum that shall be deployed with the Republican Guard in Soba. The VIP Protection Force is located according to the Presidential Unit, and Capital Security Force in Jebel Awlia'a.
20.14.7. The Parties agree that the JIUs shall protect the oilfields as provided in sub-section 20.14.2 and the oil installations shall be demilitarised. In case of any threat to the oil installations, the JDB shall decide on the appropriate and necessary measures.

21. Funding of the Armed Forces:
21.1. During the Interim Period, SAF forces and JIUs shall be funded by the National Government, whereas the SPLA forces shall be funded by the Government of Southern Sudan, subject to the principle of proportional downsizing as per Security Arrangements Protocol and the approval of
Southern Sudan Legislature. To meet this obligation, the Government of Southern Sudan shall raise financial resources from both local and foreign sources and seek international assistance. These financial resources shall be channelled through the Bank of Southern Sudan and managed according to the principles of Wealth Sharing Protocol.
21.2. The elected National Legislature during the Interim Period shall review and finally resolve the issue of the funding of the Sudan National Armed Forces (SNAF) so as to make unity of the Sudan an attractive choice in the referendum on self-determination by the people of Southern Sudan, and to create sound basis for the formation of the future army of the Sudan that shall be composed from the Sudanese Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA) and the JIUs, should the result of referendum on self-determination confirm unity.

22. Policing Issues and Domestic Security
22.1. In order to facilitate the removal and withdrawal of the military and paramilitary forces from areas where they were previously located and in order to return societal order and harmony, in accordance with the law, in compliance with national and international acceptable standards
and with accountability to the Courts and civil Administration, the police at the appropriate level during the ceasefire shall:
22.1.1. Maintain law and public order;
22.1.2. Ensure safety and security of all people and their property;
22.1.3. Prevent and detect crimes.
22.1.4. Assist returning refugees, the displaced and other returnees to start a normal, stable and safe life in their respective communities;
22.1.5. Provide national service (such as nationality, civil registry, identity documents (IDs), passports etc.) and other police services and make them available to all citizens In their locations;
22.1.6. Protect VIPs in collaboration with other security agencies;
22.1.7. Preserve natural resources;
22.1.8. Combat illicit trafficking in narcotics, drugs and illegal trade in firearms and other organized and trans-boundary crimes in the area;
22.1.9. Control illegal presence and movement of aliens in the area;
22.1.10. Collect data and information on criminal matters that threaten implementation of the peace agreement in the area.
22.1.11. Remove the need for the deployment of military and para-military forces in villages, communities and city streets;
22.1.12. Combat corruption at all levels of government and civil society; and
22.2. In order to strengthen the effective implementation of this Agreement, the National Police may assist, as required, other police at all levels to establish and promote police service at that level;

22.3. The police shall cooperate and participate in the entire process of ceasefire implementation;
22.4. The Parties agree that the police in the territorial jurisdiction of the ceasefire shall assume their normal functions and activities, particularly in the areas where military and para-military forces had previously assumed their functions;
22.5. The Parties call upon the international community to assist in the areas of training, establishment and capacity building of police and other law enforcement agencies for the sustenance of peace and rule of law;
22.6. The Parties recognize the need for cooperation and coordination mechanism between the national police and other law enforcement agencies at all levels with regards to the implementation of this Agreement.

PART THREE
Demobilization, Disarmament, Re-Integration and Reconciliation
23. Objectives:
23.1 The overarching objective of the DDR process is to contribute to creating an enabling environment to human security and to support post-peace-agreement social stabilization across the Sudan, particularly war-affected areas.
23.2 The DDR programme shall take place within a comprehensive process of national reconciliation and healing through out the country as part of the peace and confidence building measures.

24. Guiding Principles:
24.1 In implementing the DDR programme the Parties agree that the implementing organs shall be guided by the following common principles:
24.2. The national ownership of the process and that the capabilities of the National Institutions shall be built to effectively lead the overall DDR process; for this purpose efficient planning, implementation and supervisory institutions shall be established to operate as soon as
possible.
24.3. That the DDR process in the Sudan shall be led by recognized state institutions and international partners shall only play a supportive role to these institutions. The process shall be sustained through cooperation and coordination with local NGOs and active support from the international community by facilitating and extending material and technical assistance throughout the entire DDR process and the transition from war to peace.
24.4. That no DDR planning, management or implementation activity shall take place outside the framework of the recognized interim and permanent DDR institutions referred to in paragraphs 25.1 and 25.2. hereunder.
24.5. Fairness, transparency, equitability and consistency for determining the eligibility of ex-combatants targeted for assistance.
24.6. Ex-combatants shall be treated equitably irrespective of their previous military affiliations; as well, they shall be empowered by provision of training and information to voluntarily choose their path to reintegration. The reintegration process shall be community based and equally benefits returnees and local communities.
24.7. That the DDR is mostly a civilian process although the military input is vital. While disarmament and demobilization are mainly military, the civilian efforts in reintegration are paramount, particularly with reference to decisions of methodology and organization. The military
will have input but the decisions and implementation of such programmes are the responsibility of the relevant institutions created for this purpose.
24.8. The DDR programme shall be gender sensitive and shall encourage the participation of the communities and the civil society organizations with the view to strengthening their

capacities to play their role in improving and sustaining the social and economic reintegration of former
combatants.
24.9. The demobilization of all child soldiers within six months of the signature of the Comprehensive Peace Agreement.
24.10. The identification and registration within six months from the signature of the Comprehensive Peace Agreement of all children separated from their families for family tracing and ultimate reunification;
24.11. UNICEF, ICRC and other international organizations are called upon to assist in the child component of the DDR in the Sudan;
24.12. That adequate financial and logistical support shall be mobilized by the international community including governments, governmental agencies, humanitarian organizations and non-governmental organizations (NGOs).
24.13. The observance of a high level of transparency and accountability with respect to the DDR programmes financial management.
24.14. The maintenance of an appropriate and optimal degree of flexibility to respond to the emerging needs on the ground in a timely manner.

25. DDR Institutions:
25.1. To realize the best objective of the DDR process in the entire country, and to avoid any possibilities of relapsing into war, the Parties state their dedication to undertake timely steps to establish the following institutions to plan, manage and implement the DDR programmes:
25.1.1. The National DDR Coordination Council (NDDRCC), with the prime responsibility of policy formulation, oversight, review, coordination and evaluation of the progress of the Northern
and Southern Sudan DDR commissions referred to in 25.1.2 hereunder. The NDDRCC shall be appointed by and accountable to the Presidency.
25.1.2. The Northern Sudan DDR Commission (NDDRC) and the Southern Sudan DDR Commission (SDDRC) shall be mandated to design, implement and manage the DDR process at the northern and southern sub-national levels respectively.
25.1.3. The State DDR commissions shall be entrusted with the responsibility of implementation of the programmes at the state and local levels.
25.2. Until the aforementioned institutions are established the Parties agree to put in place Interim DDR bodies to:
25.2.1. Act as bases for the future Sub-National DDR institutions established in 25.1 above.
25.2.2. Coordinate and prepare detailed DDR proposals.
25.2.3. Commence technical discussion with international donors and agencies regarding partnership and funding requirements and modalities for the DDR implementation programmes.
25.2.4. Coordinate with the UN-DPKO mission on issues pertaining to DDR.
25.2.5. Prepare draft operational proposals for DDR programmes.
25.2.6. Prepare to establish formal DDR capacity building and facilitate training in DDR through seminars, workshops and study tours.
25.2.7. Coordinate joint DDR preparatory activities.
25.2.8. Prepare in collaboration with the international actors data collection, including socio-economic surveys in the areas where the DDR programmes will be implemented and undertake needs assessment to provide data on target groups.

26. Previous Contractual Obligations:
Recognizing that both Parties have existing contractual arrangements with international organizations and agencies related to DDR, the Parties agree:
26.1. To commence a process of negotiations with these agencies and organizations to close down and transfer current DDR-related activities to the incoming DDR institutions.

26.2. That the interim DDR bodies shall undertake the task of leading and concluding these negotiations, and shoulder the operational responsibility of the activities thereafter.

27. Humanitarian and General Provisions

27.1. Upon signature of the comprehensive peace agreement, the Parties shall:
27.1.1. exchange information on Missing in Action and shall trace them to their best efforts;
27.1.2. agree to lifting the state of emergency in the Sudan except in areas where conditions do not permit;
27.2. The Parties agree that the issue of the release of all civil political detainees as part of the confidence building measures, national healing and reconciliation process shall be discussed on and dealt with within the discussions on the implementation modalities.
27.3. Humanitarian law and civil and political rights shall be closely observed.
27.4. Collateral, secondary agreements and legislation shall not contradict this Agreement and shall be equally binding on the Parties.
27.5. The Parties shall call upon the governments at all levels, civil societal organizations, political forces, national NGOs and international community to assist and facilitate the reconciliation
process at grass root levels.

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